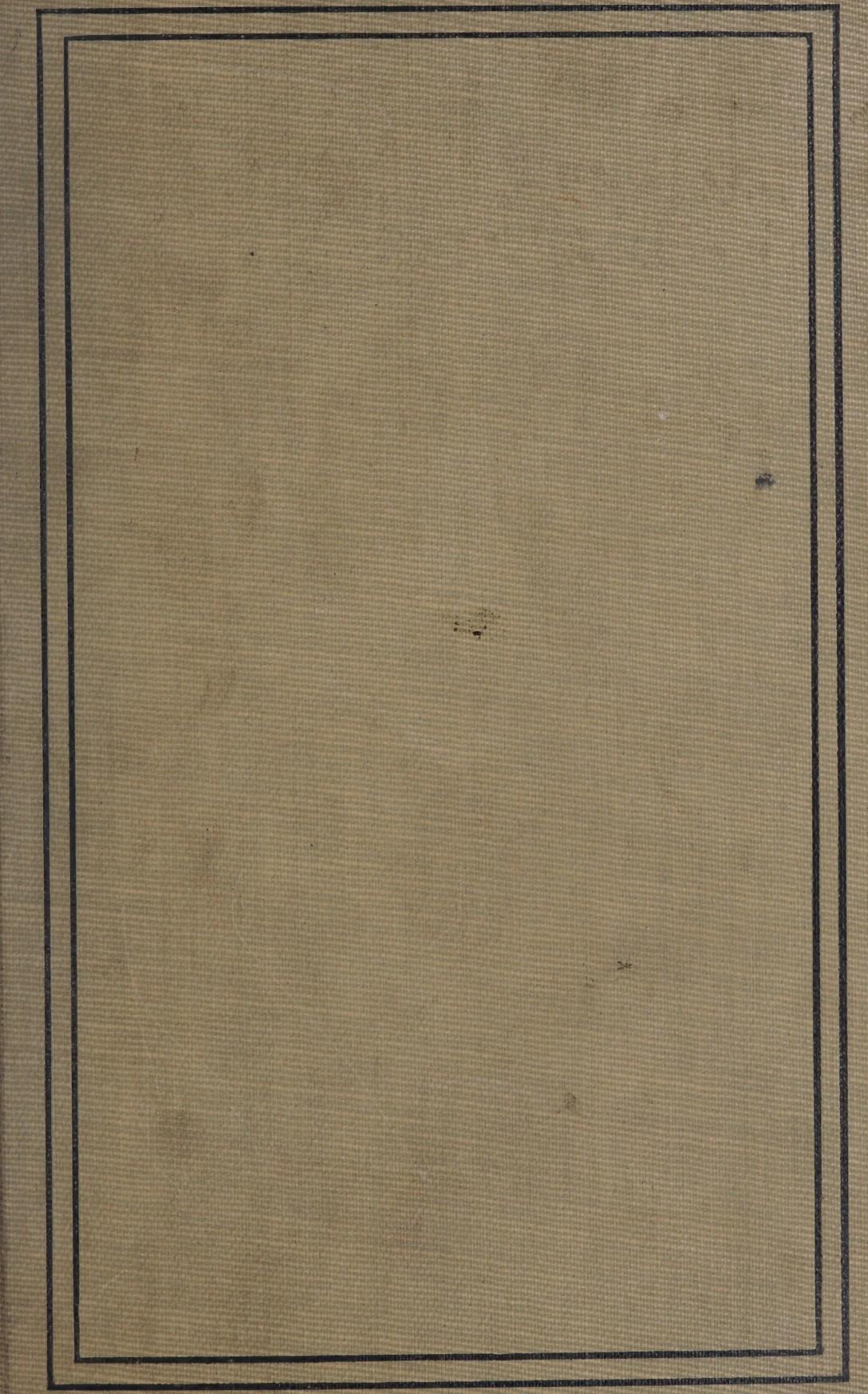


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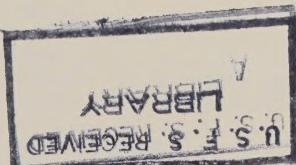
UNITED STATES DEPARTMENT OF AGRICULTURE

LAWS APPLICABLE  
TO THE UNITED STATES  
DEPARTMENT OF AGRICULTURE

1935

EMBRACING ACTS AND PROVISIONS OF A  
PERMANENT CHARACTER IN FORCE  
SEPTEMBER 6, 1935

Compiled by  
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and  
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ATTORNEYS, OFFICE OF THE SOLICITOR



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## LETTER OF TRANSMITTAL

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UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SOLICITOR,  
*Washington, D. C., October 23, 1935.*

Hon. HENRY A. WALLACE,  
*Secretary of Agriculture.*

SIR: I have the honor to transmit herewith a compilation of laws applicable to the United States Department of Agriculture, prepared under the direction of J. P. Wenchel by Morrow H. Moore.

I recommend the publication of the compilation for the use of the Department.

Very truly yours,

MASTIN G. WHITE,  
*Solicitor.*

## INTRODUCTION

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This compilation is designed for use as a ready reference for officers and employees of the Department of Agriculture and includes permanent legislation, or legislation not of a clearly temporary character, affecting the Department, its officers, and employees, enacted up to and including September 6, 1935, the last day on which bills passed by the first session of the Seventy-fourth Congress could be approved by the President. Provisions of law found from year to year in appropriation acts are excluded from this publication. It is intended to supersede the publications of 1908, 1912, and 1923. The provisions of law contained in those volumes which are still in force and effect have been combined with all pertinent legislation enacted subsequent to the publication of the last edition. As the Agricultural Adjustment Act and certain of the acts relating thereto have been separately published, they have been excluded from this compilation.

All material has been completely rearranged in accordance with the plan followed by the United States Code, so that all legislation relating to the same subject matter will be found assembled together.

Where, within the body of a provision of law, reference is made to specific legislation which is included within the United States Code, the Code reference will be found in brackets immediately after the statutory reference. As the Code reference in this publication comprises the last citation of each provision of law, it will be an easy matter, after having found the title and number of the Code reference, to find such provision of law in this compilation.

The various laws included herein have been submitted for comment and approval to the chiefs of the divisions of the Solicitor's office having supervision of such laws and their suggestions have in most cases been followed.

## CONSTITUTION OF THE UNITED STATES OF AMERICA

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

### Article I

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Sec. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the First Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Sec. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SEC. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SEC. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SEC. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SEC. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SEC. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SEC. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## Article II

SECTION 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immedi-

ately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SEC. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but

the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SEC. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SEC. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

### Article III

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SEC. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SEC. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason

unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

#### Article IV

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SEC. 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

#### Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in

any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.

### Article VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

### Article VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

## ARTICLES IN ADDITION TO AND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION

### Article I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### Article II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

### Article III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

### Article IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be

violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Article V**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**Article VI**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

**Article VII**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

**Article VIII**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Article IX**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**Article X**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**Article XI**

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

**Article XII**

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

**Article XIII**

**SECTION 1.** Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

**SEC. 2.** Congress shall have power to enforce this article by appropriate legislation.

**Article XIV**

**SECTION 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities

of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

#### Article XV

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.—

#### Article XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

**Article XVII**

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

**Article XVIII**

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Sec. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

**Article XIX**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

**Article XX**

SECTION 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Sec. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Sec. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a

President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

SEC. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

#### Article XXI

SECTION. 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

SEC. 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

# **LAWS APPLICABLE TO THE UNITED STATES DEPARTMENT OF AGRICULTURE**

## **THE CONGRESS**

### **LIBRARY OF CONGRESS**

**1. Transfer to Library of Congress of books from executive Departments.**—The head of any Executive department or bureau or any commission of the Government is hereby authorized from time to time to turn over to the Librarian of Congress, for the use of the Library of Congress, any books, maps, or other material in the library of the department, bureau, or commission no longer needed for its use, and in the judgment of the Librarian of Congress appropriate to the uses of the Library of Congress. (Feb. 25, 1903, sec. 1, 32 Stat. 865; 2 U. S. C., sec. 148.)

**2. Privilege of using and drawing books.**—The Joint Committee on the Library is authorized to grant the privilege of using and drawing books from the Library, in the same manner and subject to the same regulations as members of Congress, to any of the following persons:

First. Heads of Departments. \* \* \* (R. S., sec. 94; 2 U. S. C., sec. 137a.)

## **EXECUTIVE DEPARTMENTS, GOVERNMENT OFFICERS, AND EMPLOYEES**

### **GENERAL PROVISIONS**

**3. Compensation of heads of executive departments.**—The compensation of the \* \* \* heads of Executive Departments who are members of the President's Cabinet shall be at the rate of fifteen thousand dollars per annum each. (R. S., sec. 160; Mar. 4, 1925, sec. 4, 43 Stat. 1301; 5 U. S. C., sec. 3.)

**4. Vacancies in office of department heads.**—In case of the death, resignation, absence, or sickness of the head of any Department, the first or sole assistant thereof shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine [5 U. S. C., sec. 6], perform the duties of such head until a successor is appointed, or such absence or sickness shall cease. (R. S., sec. 177; 5 U. S. C., sec. 4.)

**5. Vacancies in subordinate offices.**—In case of the death, resignation, absence, or sickness of the chief of any Bureau, or of any officer thereof, whose appointment is not vested in the head of the Department, the assistant or deputy of such chief or of such officer, or if there be none, then the chief clerk of such Bureau, shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine [5 U. S. C., sec. 6], perform the duties of such chief or of such officer until a successor is appointed or such absence or sickness shall cease. (R. S., sec. 178; 5 U. S. C., sec. 5.)

**6. Discretionary authority of the President as to vacancies.**—In any of the cases mentioned in the two preceding sections [5 U. S. C., secs. 4, 5], except the death, resignation, absence, or sickness of the Attorney General, the President may, in his discretion, authorize and direct the head of any other Department or any other officer in either Department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the incumbent shall cease. (R. S., sec. 179; 5 U. S. C., sec. 6.)

**7. Temporary appointments limited.**—A vacancy occasioned by death or resignation must not be temporarily filled under the three preceding sections [5 U. S. C., secs. 4, 5, 6] for a longer period than thirty days. (R. S., sec. 180; Feb. 6, 1891, 26 Stat. 733; 5 U. S. C., sec. 7.)

**8. Restriction on manner of temporary appointments to fill vacancies.**—No temporary appointment, designation, or assignment of one officer to perform the duties of another, in the cases covered by sections one hundred and seventy-seven and one hundred and seventy-eight [5 U. S. C., secs. 4, 5], shall be made otherwise than as provided by those sections, except to fill a vacancy happening during a recess of the Senate. (R. S., sec. 181; 5 U. S. C., sec. 8.)

**9. Extra compensation for duties performed while filling vacancies.**—An officer performing the duties of another office, during a vacancy, as authorized by sections one hundred and seventy-seven, one hundred and seventy-eight, and one hundred and seventy-nine [5 U. S. C., secs. 4, 5, 6], is not by reason thereof entitled to any other compensation than that attached to his proper office. (R. S., sec. 182; 5 U. S. C., sec. 9.)

**10. Commissions.**—That hereafter the commissions of all officers under the direction and control of the \* \* \* Secretary of Agriculture shall be made out and recorded in the respective Departments under which they are to serve, and the Department seal affixed thereto, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States. (Mar. 28, 1896, 29 Stat. 75; 5 U. S. C., sec. 11.)

**11. Oath of office.**—Hereafter the oath to be taken by any person elected or appointed to any office of honor or profit either in the civil, military, or naval service, except the President of the United States, shall be: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God." But this repeal shall not affect the oaths prescribed by existing statutes in relation to the performance of duties in special or particular subordinate offices and employments. (R. S., sec. 1757, May 13, 1884, secs. 2, 3, 23 Stat. 22; 5 U. S. C., sec. 16.)

**12. Same; who may administer.**—The oath of office required by the preceding section [5 U. S. C., sec. 16], may be taken before any officer who is authorized either by the laws of the United States, or by the

local municipal law, to administer oaths, in the State, Territory, or District where such oath may be administered. (R. S., sec. 1758, 12 Stat. 326; 5 U. S. C., sec. 18.)

13. Same; renewal by department employees.—That employees of the Department of Agriculture who, upon original appointment, have subscribed to the oath of office required by section 1757 [5 U. S. C., sec. 16] of the Revised Statutes shall not be required to renew the said oath because of any change in status so long as their services are continuous, unless, in the opinion of the Secretary of Agriculture, the public interests require such renewal. (Jan. 31, 1925, sec. 3, 43 Stat. 803; 5 U. S. C., sec. 17.)

14. Same; to employees administered without compensation.—And no officer, clerk, or employee of any executive department who is also a notary public or other officer authorized to administer oaths, shall charge or receive any fee or compensation for administering oaths of office to employees of such department required to be taken on appointment or promotion therein.

And the chief clerks of the several Executive Departments and of the various bureaus and offices thereof in Washington, District of Columbia, are hereby authorized and directed, on application and without compensation therefor, to administer oaths of office to employees required to be taken on their appointment or promotion. (Aug. 29, 1890, sec. 1, 26 Stat. 371; 5 U. S. C., secs. 19, 20.)

15. Same; custody of.—The oath of office taken by any person pursuant to the requirements of section seventeen hundred and fifty-seven [5 U. S. C., sec. 16] shall be delivered in by him to be preserved among the files of the House of Congress, Department, or court to which the office in respect to which the oath is made may appertain. (R. S., sec. 1759; 5 U. S. C., sec. 21.)

16. Affidavit by appointed officer; no consideration paid for appointment.—That each individual hereafter appointed as a civil officer of the United States by the President, by and with the advice and consent of the Senate, or by the President alone, or by a court of law, or by the head of a department, shall, within thirty days after the effective date of his appointment, file with the Comptroller General of the United States an affidavit stating that neither he nor anyone acting in his behalf has given, transferred, promised, or paid any consideration for or in the expectation or hope of receiving assistance in securing such appointment. (Dec. 11, 1926, sec. 1, 44 Stat. 918; Mar. 2, 1927, 44 Stat. 1346; 5 U. S. C., sec. 21a.)

17. Same; failure to make affidavit; penalty.—No salary shall be paid to any individual required under section 1 [5 U. S. C., sec. 21a] to file an affidavit until such affidavit has been filed. (Dec. 11, 1926, sec. 2, 44 Stat. 919; 5 U. S. C., sec. 21b.)

18. Department regulations.—The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it. (R. S., sec. 161; 5 U. S. C., sec. 22.)

19. Supervision of subordinate clerks.—Each chief clerk in the several Departments, and Bureaus, and other offices connected with the Departments, shall supervise, under the direction of his immediate

superior, the duties of the other clerks therein, and see that they are faithfully performed. (R. S., sec. 173; 5 U. S. C., sec. 23.)

20. **Distribution of duties.**—Each chief clerk shall take care, from time to time, that the duties of the other clerks are distributed with equality and uniformity, according to the nature of the case. He shall revise such distribution from time to time, for the purpose of correcting any tendency to undue accumulation or reduction of duties, whether arising from individual negligence or incapacity, or from increase or diminution of particular kinds of business. And he shall report monthly to his superior officer any existing defect that he may be aware of in the arrangement or dispatch of business (R. S., sec. 174; 5 U. S. C., sec. 24.)

21. **Duty of chief on receipt of report.**—Each head of a Department, chief of a Bureau, or other superior officer, shall, upon receiving each monthly report of his chief clerk, rendered pursuant to the preceding section, examine the facts stated therein, and take such measures, in the exercise of the powers conferred upon him by law, as may be necessary and proper to amend any existing defects in the arrangement or dispatch of business disclosed by such report. (R. S., sec. 175; 5 U. S. C., sec. 25.)

22. **Saturday, half holiday.**—That on and after the effective date of this Act four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays throughout the year, with pay or earnings for the day the same as on other days when full time is worked, for all civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field, whether on the hourly, per diem, per annum, piecework, or other basis: *Provided*, That in all cases where for special public reasons, to be determined by the head of the department or establishment having supervision or control of such employees, the services of such employees cannot be spared, such employees shall be entitled to an equal shortening of the workday on some other day: *Provided further*, That the provisions of this Act shall not deprive employees of any leave or holidays with pay to which they may now be entitled under existing laws. (Mar. 3, 1931; 46 Stat. 1482; 5 U. S. C., sec. 26a.)

23. **Recording clocks.**—No money appropriated by this Act shall be used for expense of repairing recording clocks used for recording time of clerks or other employees in any of the Executive Departments at Washington, nor shall there hereafter be used in any of the Executive Departments at Washington, any such recording clocks. (Feb. 24, 1899, sec. 1, 30 Stat. 864; 5 U. S. C., sec. 27.)

24. **Closing departments on decease of ex-official.**—That hereafter the Executive Departments of the Government shall not be closed as a mark to the memory of any deceased ex-official of the United States. (Mar. 3, 1893, sec. 4, 27 Stat. 715; 5 U. S. C., sec. 28.)

25. **Legal holidays in the District of Columbia.**—The following days in each year, namely, the first day of January, commonly called New Year's Day; the twenty-second day of February, known as Washington's Birthday; the Fourth of July; the thirtieth day of May, commonly called Decoration Day; the first Monday in September, known as Labor's Holiday; the twenty-fifth day of December, com-

monly called Christmas Day; any day appointed or recommended by the President of the United States as a day of public fasting or thanksgiving, and the day of the inauguration of the President, in every fourth year, shall be holidays in the District for all purposes. Whenever any day set apart as a legal holiday shall fall on Sunday, then and in such case the next succeeding day shall be a holiday. (Mar. 3, 1901, sec. 1389, 31 Stat. 1404; June 30, 1902, 32 Stat. 543; Mar. 3, 1931, 46 Stat. 1482.)

**26. Hours of labor in executive departments.**—Hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective Departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of the Departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their Departments, respectively; but in case of an extension it shall be without additional compensation. (Mar. 3, 1893, sec. 5, 27 Stat. 715; Mar. 15, 1898, sec. 7, 30 Stat. 316, 5 U. S. C., sec. 29.)

**27. Leaves of absence.**—That where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the Department would jeopardize the health of fellow-clerks, and in exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended, in the discretion of the head of the Department, with pay, not exceeding thirty days in any one case or in any one calendar year. This section shall not be construed to prevent the head of any Executive Department from granting thirty days' annual leave with pay in any one year to a clerk or employee, notwithstanding such clerk or employee may have had during such year not exceeding thirty days' leave with pay on account of sickness.

This section shall not be construed to mean that so long as a clerk or employee is borne upon the rolls of the Department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall stop upon the expiration of the granted leave. (Mar. 3, 1893, sec. 5, 27 Stat. 715; Mar. 15, 1898, sec. 7, 30 Stat. 316; July 7, 1898, sec. 1, 30 Stat. 653; June 30, 1932, sec. 215, 47 Stat. 407; 5 U. S. C., sec. 30.)

**28. Monthly reports as to condition of business; extension of hours of service of employees.**—Hereafter it shall be the duty of the head of each Executive Department to require monthly reports to be made to him as to the condition of the public business in the several bureaus or offices of his Department at Washington; and in each case where such reports disclose that the public business is in arrears, the head of the Department in which such arrears exist shall require, as provided herein, an extension of the hours of service to such clerks or employees as may be necessary to bring up such arrears of public business. (Mar. 3, 1893, sec. 5, 27 Stat. 715; Mar. 15, 1898, sec. 7, 30 Stat. 317; 5 U. S. C., sec. 31.)

**29. Quarterly reports as to condition of business.**—Hereafter it shall be the duty of the head of each Executive Department, or other Government establishment at the seat of government, not under an Executive Department, to make at the expiration of each quarter of the fiscal year a written report to the President as to the condition of the public business in his Executive Department or Government establishment, and whether any branch thereof is in arrears. (Mar. 15, 1898, sec. 7, 30 Stat. 316; 5 U. S. C., sec. 32.)

**30. Leave with pay reduced.**—Hereafter no civilian officer or employee of the Government who receives annual leave with pay shall be granted annual leave of absence with pay in excess of fifteen days in any one year, excluding Sundays and legal holidays: *Provided*, That the part unused in any year may be cumulative for any succeeding year: *Provided further*, That nothing herein shall apply to officers and employees of the Panama Canal and Panama Railroad Company on the Isthmus of Panama, or to officers and employees of the United States (including enlisted personnel) holding official station outside the continental United States or in Alaska: *Provided further*, That nothing herein shall be construed as affecting the period during which pay may be allowed under existing laws for so-called sick leave of absence: *Provided further*, That the so-called sick leave of absence, within the limits now authorized by law, shall be administered under such regulations as the President may prescribe so as to obtain, so far as practicable, uniformity in the various executive departments and independent establishments of the Government. (June 30, 1932, sec. 215, 47 Stat. 407; Mar. 3, 1933, sec. 6 (a), 47 Stat. 1515; Mar. 20, 1933, sec. 4 (c), 48 Stat. 13; 5 U. S. C., sec. 30a.)

**31. Women clerks.**—Women may, in the discretion of the head of any Department, be appointed to any of the clerkships therein authorized by law, upon the same requisites and conditions, and with the same compensations, as are prescribed for men. (R. S., sec. 165; 5 U. S. C., sec. 33.)

**32. Restoration to position of certain employees called into active military service.**—That all officers and enlisted men of the National Guard and of the Medical Reserve Corps of the Army who are Government employees and who respond to the call of the President for service shall, at the expiration of the military service to which they are called, be restored to the positions occupied by them at the time of the call. (Aug. 29, 1916, sec. 1, 39 Stat. 624; 5 U. S. C., sec. 34.)

**33. Government employees who are members of Officers' Reserve Corps to be restored to positions when relieved from duty.**—That members of the Officers' Reserve Corps who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty. (May 12, 1917, 40 Stat. 72.)

**34. Reinstatement of Government employees drafted or enlisted in the military service in the war with Germany.**—That all former Government employees who have been drafted or enlisted in the military service of the United States in the war with Germany shall be reinstated on application to their former positions, if they have received

an honorable discharge and are qualified to perform the duties of the position. (Feb. 25, 1919, sec. 1, 40 Stat. 1164.)

**35. Reinstatement of Government employees who entered armed service during the war with Germany.**—That all former Government employees who have entered the military or naval service of the United States in the war with the German Government shall be reinstated on application to their former positions if they have received an honorable discharge and are qualified to perform the duties of the position. (July 11, 1919, 41 Stat. 142.)

**36. Preference for appointments to persons disabled in military or naval service.**—Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices. (R. S., sec. 1754; 5 U. S. C., sec. 35.)

**37. Preference in appointments to honorably discharged soldiers, sailors, and marines, and their widows and wives.**—That hereafter in making appointments to clerical and other positions in the executive branch of the Government in the District of Columbia or elsewhere preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such, and to the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified, to hold such positions. (July 11, 1919, sec. 1, 41 Stat. 37; June 18, 1929, sec. 3, 46 Stat. 21; 5 U. S. C., sec. 35.)

**38. Employment of wives of soldiers and sailors.**—The wife of a soldier or sailor who served in the World War shall not be disqualified for any position under the Government because she is a married woman. (Aug. 31, 1918, sec. 5, 40 Stat. 956; 5 U. S. C. 36.)

**39. Diminution or increase of number of clerks.**—That in making any reduction of force in any of the executive departments, the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors. (Aug. 15, 1876, sec. 3, 19 Stat. 169; 5 U. S. C., sec. 37.)

**40. Personnel reductions; Married persons.**—In any reduction of personnel in any branch or service of the United States Government or the District of Columbia, married persons (living with husband or wife) employed in the class to be reduced, shall be dismissed before any other persons employed in such class are dismissed, if such husband or wife is also in the service of the United States or the District of Columbia. In the appointment of persons to the classified civil service, preference shall be given to persons other than married persons living with husband or wife, such husband or wife being in the service of the United States or the District of Columbia. (June 30, 1932, sec. 213, 47 Stat. 406; 5 U. S. C., sec. 37a.)

**41. Distribution of clerks.**—Each head of a Department may, from time to time, alter the distribution among the various bureaus and offices of his Department, of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be

made by written order of the head of the Department, and in no case be for a period of time exceeding one hundred and twenty days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the Department, in each particular case, for periods of not exceeding one hundred and twenty days. All details heretofore made are hereby revoked, but may be renewed as provided herein. (R. S., sec. 166; May 28, 1896, sec. 3, 29 Stat. 179; U. S. C., sec. 38.)

**42. Detail of officers, clerks, or other employees outside District for duty in District of Columbia.**—Hereafter it shall be unlawful to detail civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for the military or naval establishments, or any other branch of the public service outside of the District of Columbia, except those officers and employees whose details are now specially provided by law, for duty in any bureau, office, or other division of any Executive Department in the District of Columbia, except temporary details for duty connected with their respective offices. (Aug. 5, 1882, sec. 4, 22 Stat. 255; June 22, 1906, sec. 6, 34 Stat. 449; 5 U. S. C., sec. 39.)

**43. Employment of clerks and other employees; authority.**—There is authorized to be employed in each executive department, independent establishment, and the municipal government of the District of Columbia, for services in the District of Columbia or elsewhere, such number of employees of the various classes recognized by the Classification Act of 1923, as amended (U. S. C., title 5, ch. 13), as may be appropriated for by Congress from year to year: *Provided*, That the head of any department or independent establishment may delegate to subordinates, under such regulations as he may prescribe, the power to employ such persons for duty in the field services of his department or establishment. (R. S., sec. 169, June 26, 1930, 46 Stat. 817; 5 U. S. C., sec. 43.)

**44. Appointment of disbursing clerks; bond; compensation.**—The disbursing clerks authorized by law in the several Departments shall be appointed by the heads of the respective Departments, and shall each give a bond to the United States for the faithful discharge of the duties of his office according to law in such amount as shall be directed by the Secretary of the Treasury, and with sureties to the satisfaction of the General Counsel for the Department of the Treasury; and shall from time to time renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct.<sup>1</sup> (R. S., sec. 176, Mar. 3, 1883; sec. 1, 22 Stat. 553; May 10, 1934, sec. 512 (b) 48 Stat. 759, 5 U. S. C., sec. 44.)

**45. Officers, clerks, and employees.**—That no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic,

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<sup>1</sup> The function of disbursement of moneys of the United States exercised by any agency is transferred to the Treasury Department and, together with the Office of Disbursing Clerk of that Department, is consolidated in a Division of Disbursement, at the head of which shall be a Chief Disbursing Officer.

The Division of Disbursement of the Treasury Department is authorized to establish local offices, or to delegate the exercise of its functions locally to officers or employees of other agencies, according as the interests of efficiency and economy may require.

The Division of Disbursement shall disburse moneys only upon the certification of persons by law duly authorized to incur obligations upon behalf of the United States. The function of accountability for improper certification shall be transferred to such persons, and no disbursing officer shall be held accountable therefor. (Executive Order No. 6160, sec. 4; June 10, 1933.)

watchman, laborer, or other employee shall after the first day of October next be employed in any of the executive departments, or subordinate bureaus or offices thereof at the seat of government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year. (Aug. 15, 1876, sec. 5, 19 Stat. 169; Aug. 5, 1882, sec. 4, 22 Stat. 255; 5 U. S. C., sec. 45.)

**46. Payment for services from appropriations for contingent expenses or for specific or general purposes.**—No civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services. (Aug. 5, 1882, sec. 4, 22 Stat. 255; 5 U. S. C., sec. 46.)

**47. Removal of employees for cause; withholding pay.**—That from and after the passage of this Act there shall be no withholding or confiscation of the earned pay, salary, or emolument of any civil employee of the United States removed for cause: *Provided*, That if at the time of such removal any such employee is indebted to the United States any salary, pay, or emolument accruing to such employee coming within the provisions of this Act shall be applied in whole or in part to the satisfaction of any claim or indebtedness due to the United States. (Feb. 24, 1931, 46 Stat. 1415; 5 U. S. C., sec. 46a.)

**48. Penalty for violation of prohibition of employment of officers, clerks, etc., or other employees except as specifically appropriated for.**—That any person violating section four of the legislative, executive, and judicial appropriation Act approved August fifth, eighteen hundred and eighty-two (Statutes at Large, volume twenty-two, page two hundred and fifty-five) [5 U. S. C., secs. 45, 46, 50], shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year. (Aug. 23, 1912, sec. 5, 37 Stat. 414; 5 U. S. C., sec. 47.)

**49. Retirement of Federal personnel, uniform date; classes; computation of retired pay.**—That hereafter retirement authorized by law of Federal personnel of whatever class, civil, military, naval, judicial, legislative, or otherwise, and for whatever cause retired, shall take effect on the 1st day of the month following the month in which said retirement would otherwise be effective, and said 1st day of the month for retirements hereafter made shall be for all purposes in lieu of such date for retirement as may now be authorized; except that the rate of active or retired pay or allowance shall be computed as of the date retirement would have occurred if this Act had not been enacted. (Apr. 23, 1930, sec. 1, 46 Stat. 253; 5 U. S. C., sec. 47a.)

**50. Same.**—That all officers and employees of the United States Government or of the government of the District of Columbia who had reached the retirement age prescribed for automatic separation from the service on or before July 1, 1932, or during the month of July 1932, and who were continued in active service for a period of less than thirty-one days after June 30, 1932, shall be regarded as having been retired and entitled to annuity beginning with the day following the date of separation from active service, instead of August 1, 1932, and the United States Civil Service Commission is hereby authorized and directed to make payments accordingly from the civil-service retirement and disability fund to those persons entitled and who make application therefor. (Public 383, 74th Cong., Aug. 28, 1935.)

**51. Legal assistance in examination of witnesses.**—Whenever any head of a Department or Bureau having made application pursuant to Revised Section one hundred and eighty-four [5 U. S. C., sec. 94], for a subpœna to procure the attendance of a witness to be examined, is of opinion that the interests of the United States require the attendance of counsel at the examination, or require legal investigation of any claim pending in his Department or Bureau, he shall give notice thereof to the Attorney General, and of all facts necessary to enable the Attorney General to furnish proper professional service in attending such examination, or making such investigation, and it shall be the duty of the Attorney General to provide for such service. (R. S., sec. 187; 5 U. S. C., sec. 48.)

**52. Employment of attorneys and counsel.**—No head of a Department shall employ attorneys or counsel at the expense of the United States; but when in need of counsel or advice, shall call upon the Department of Justice, the officers of which shall attend to the same. (R. S., sec. 189; 5 U. S. C., sec. 49.)

**53. Disposition of moneys accruing from lapsed salaries or unused appropriations for salaries.**—All moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury. (Aug. 5, 1882, sec. 4, 22 Stat. 255; 5 U. S. C., sec. 50.)

**54. Extra compensation to clerks.**—No money shall be paid to any clerk employed in either Department at an annual salary, as compensation for extra services, unless expressly authorized by law. (R. S., sec. 170; 5 U. S. C., sec. 51.)

**55. Unauthorized office, no salary for.**—No money shall be paid from the Treasury to any person acting or assuming to act as an officer, civil, military, or naval, as salary, in any office when the office is not authorized by some previously existing law, unless such office is subsequently sanctioned by law. (R. S., sec. 1760; Feb. 9, 1863, sec. 2, 12 Stat. 646; 5 U. S. C., sec. 52.)

**56. Detective agency employees not to be employed.**—That hereafter no employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia. (Mar. 3, 1893, 27 Stat. 591; 5 U. S. C., sec. 53.)

**57. Publicity experts not to be employed without specific appropriations.**—No money appropriated by this or any other Act shall be used for the compensation of any publicity expert unless specifically appropriated for that purpose. (Oct. 22, 1913, 38 Stat. 212; 5 U. S. C., sec. 54.)

**58. Experts compensated without specific provision for.**—That no part of any money appropriated in this or any other Act shall be used for compensation or payment of expenses of accountants or other experts in inaugurating new or changing old methods of transacting the business of the United States or the District of Columbia unless authority for employment of such services or payment of such expenses is stated in specific terms in the Act making provision therefor and the rate of compensation for such services or expenses is specifically fixed therein, or be used for compensation of or expenses for persons, aiding or assisting such accountants or other experts, unless the rate of compensation of or expenses for such assistants is fixed by officers or employees of the United States or District of Columbia having authority to do so, and such rates of compensation or expenses so fixed shall be paid only to the person so employed. (Apr. 6, 1914, sec. 5, 38 Stat. 335; 5 U. S. C., sec. 55.)

**59. Salaries to certain recess appointees.**—No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate. (R. S., sec. 1761; 5 U. S. C., sec. 56.)

**60. Apportionment of compensation.**—Collectors and all other officers of the customs, serving for a less period than a year, shall not be paid for the entire year, but shall be allowed in no case a greater than a pro rata of the maximum compensation of such officers respectively for the time only which they actually serve as such collectors or officers, whether the same be under one or more appointments, or before or after confirmation. And no collector or other officer shall, in any case, receive for his services, either as fees, salary, fines, penalties, forfeitures, or otherwise, for the time he may be in service, beyond the maximum pro rata rate provided by law. And this section shall be applied and enforced in regard to all officers, agents, and employés of the United States whomsoever, as well as those whose compensation is determined by a commission on disbursements, not to exceed an annual maximum, as those paid by salary or otherwise. (R. S., sec. 2687; 5 U. S. C., sec. 57.)

**61. Double salaries.**—That unless otherwise specially authorized by law, no money appropriated by this or any other Act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of \$2,000 per annum, but this shall not apply to retired officers or enlisted men of the Army, Navy, Marine Corps, or Coast Guard, or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia. (R. S., sec. 1763; May 10, 1916, sec. 6, 39 Stat. 120; Aug. 29, 1916, 39 Stat. 582; 5 U. S. C., secs. 58, 59.)

**62. Limitations on amount of retired pay.**—(a) After the date of the enactment of this Act, no person holding a civilian office or position, appointive or elective, under the United States Government or the municipal government of the District of Columbia or under any corporation, the majority of the stock of which is owned by the United States, shall be entitled, during the period of such incum-

bency, to retired pay from the United States for or on account of services as a commissioned officer in any of the services mentioned in the Pay Adjustment Act of 1922 [U. S. C., title 37], at a rate in excess of an amount which when combined with the annual rate of compensation from such civilian office or position, makes the total rate from both sources more than \$3,000; and when the retired pay amounts to or exceeds the rate of \$3,000 per annum such person shall be entitled to the pay of the civilian office or position or the retired pay, whichever he may elect. As used in this section, the term "retired pay" shall be construed to include credits for all service that lawfully may enter into the computation thereof.

(b) This section shall not apply to any person whose retired pay plus civilian pay amounts to less than \$3,000: *Provided*, That this section shall not apply to regular or emergency commissioned officers retired for disability incurred in combat with an enemy of the United States. (June 30, 1932, sec. 212, 47 Stat. 406; 5 U. S. C., sec. 59a.)

**63. Holding other lucrative office.**—No person who holds an office the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars shall be appointed to or hold any other office to which compensation is attached unless specially authorized thereto by law; but this shall not apply to retired officers of the Army or Navy whenever they may be elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate. Retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard retired for any cause, and retired officers of the Army, Navy, Marine Corps, or Coast Guard who have been retired for injuries received in battle or for injuries or incapacity incurred in line of duty shall not, within the meaning of this section, be construed to hold or to have held an office during such retirement. (July 31, 1894, sec. 2, 28 Stat. 205; May 31, 1924, 43 Stat. 245; 5 U. S. C., sec. 62.)

**64. Receiving salary from source other than United States.**—No Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$1,000 or imprisonment for not less than six months, or by both such fine and imprisonment as the court may determine. (Mar. 3, 1917, sec. 1, 39 Stat. 1106; 5 U. S. C., sec. 66.)

**64a. Rate of interest on certain loans on security; penalties.**—That any person in the employ of the Government who shall loan money in violation of the provisions of this Act [entitled "An Act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real-estate brokers in the District of Columbia"] shall forfeit his

office or position, and be removed from the same. (Feb. 4, 1913, sec. 5, 37 Stat. 659; 17 D. C. Code, sec. 25.)

**65. Extra services.**—No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other Department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law. (R. S., sec. 1764; 5 U. S. C., sec. 69.)

**66. Extra allowances.**—No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation. (R. S., sec. 1765; 5 U. S. C., sec. 70.)

**67. Extra compensation or perquisites.**—That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the treasury or property of the United States beyond his salary or compensation allowed by law. (June 20, 1874, sec. 3, 18 Stat. 109; 5 U. S. C., sec. 71.)

**68. Additional compensation to persons employed under general or lump-sum appropriations.**—That it shall not be lawful hereafter to pay to any person, employed in the service of the United States under any general or lump-sum appropriation, any sum additional to the regular compensation received for or attached to any employment held prior to an appointment or designation as acting for or instead of an occupant of any other office or employment. This provision shall not be construed as prohibiting regular and permanent appointments by promotion from lower to higher grades of employments. (Aug. 1, 1914, sec. 12, 38 Stat. 680; 5 U. S. C., sec. 72.)

**69. Actual traveling expenses only to be allowed.**—That hereafter only actual travelling expenses shall be allowed to any person holding employment or appointment under the United States, except marshals, district attorneys, and clerks of the courts of the United States and their deputies; and all allowances for mileages and transportation in excess of the amount actually paid, except as above excepted, are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowances in violation of this provision. (Mar. 3, 1875, sec. 1, 18 Stat. 452; 5 U. S. C., sec. 73.)

**70. Travel expenses of officers and employees; transportation in own motorcycles or automobiles; payments on mileage basis.**—That a civilian officer or employee engaged in necessary travel on official business away from his designated post of duty may be paid, in lieu of actual expenses of transportation, under regulations to be prescribed by the President, not to exceed 2 cents per mile for the use of his own motorcycle or 5 cents per mile for the use of his own automobile for such transportation, whenever such mode of travel has been previously authorized and payment on such mileage basis is more economical and advantageous to the United States. (Feb. 14, 1931, 46 Stat. 1103; Mar. 3, 1933, sec. 10, 47 Stat. 1516; 5 U. S. C., sec. 73a.)

**71. Same; lowest first-class rate.**—Whenever by or under authority of law actual expenses for travel may be allowed to officers or employees of the United States, such allowances, in the case of travel ordered after the date of enactment of this Act, shall not exceed the lowest first-class rate by the transportation facility used in such travel. (Mar. 3, 1933, sec. 9, 47 Stat. 1516; 5 U. S. C., sec. 73b.)

**72. Expenses for subsistence while traveling on duty.**—On and after July first, nineteen hundred and fourteen, unless otherwise expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty outside of the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of \$5 per day; nor shall any allowance or reimbursement for subsistence be paid to any officer or employee in any branch of the public service of the United States in the District of Columbia unless absent from his designated post of duty outside of the District of Columbia, and then only for the period of time actually engaged in the discharge of official duties. (Apr. 6, 1914, sec. 1, 38 Stat. 318; 5 U. S. C., sec. 74.<sup>2</sup>)

**73. Expenses for subsistence in field work or traveling on official business; per diem allowance; estimates of appropriations to state rates.**—That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding \$4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law. For the fiscal year nineteen hundred and sixteen and annually thereafter estimates of appropriations from which per diem allowances are to be paid shall specifically state the rates of such allowances. (Aug. 1, 1914, sec. 13, 38 Stat. 680; 5 U. S. C., sec. 75.)

**74. Civilians employed in field service; quarters, heat, light, household equipment; subsistence and laundry service.**—The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry service; and appropriations for the fiscal year 1929 and thereafter of the character heretofore used for such purposes are hereby made available therefor: *Provided*, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians. (Mar. 5, 1928, sec. 3, 45 Stat. 193; 5 U. S. C., sec. 75a.)

**75. Restrictions on payment of expenses of carriages or vehicles for personal or official use.**—No part of any money appropriated by this or any other Act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle (other than those for the use of the President of the United States, the heads of the Executive Departments, and the Secretary to the President, and other than those used for transportation of property belonging to or in the custody of the United States), for the personal or official use of any officer or employee of any of the Executive Departments or

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<sup>2</sup> See Subsistence Expense Act of 1926; 5 U. S. C., secs. 821-833.

other Government establishments at Washington, District of Columbia, unless the same shall be specifically authorized by law or provided for in terms by appropriation of money, and all such carriages and vehicles so procured and used for official purposes shall have conspicuously painted thereon at all times the full name of the Executive Department or other branch of the public service to which the same belong and in the service of which the same are used. (Mar. 18, 1904, sec. 3, 33 Stat. 142; Feb. 3, 1905, sec. 4, 33 Stat. 687; 5 U. S. C., sec. 77.)

**76. Restrictions on payments for purchase or operation of passenger-carrying vehicles; requirements as to estimates for appropriations therefor.**—No appropriation made in this or any other Act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year nineteen hundred and fifteen there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year nineteen hundred and sixteen and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used. (July 16, 1914, sec. 5, 38 Stat. 508; 5 U. S. C., sec. 78.)

**77. Same; field work of Department of Agriculture.**—Nothing in the Act of July 16, 1914 (Thirty-eighth Stat. 508) [5 U. S. C., sec. 78], shall be construed to apply to the hire of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats necessary in the field work of the Department of Agriculture, or to the maintenance, repair, or operation of vehicles so hired. (Aug. 11, 1916, 39 Stat. 491; 5 U. S. C., sec. 80.)

**78. Prohibition on vehicle expenditures not applicable to authorized transfers.**—That the provisions of the Act of July 16, 1914 (Thirty-eighth Statutes, page 454) [5 U. S. C., sec. 78], prohibiting the expenditure of appropriations by any of the executive departments or other Government establishments for the maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles in the absence of specific statutory authority, shall not apply to vehicles transferred, or hereafter to be transferred, by the Secretary of War to the Department of Agriculture for the use of the Department under the provisions of this Act, or under the provisions of section 7 of the Act of February 28, 1919 [23 U. S. C., sec. 5]. (Mar. 15, 1920, sec. 6, 41 Stat. 431; 5 U. S. C., sec. 81.)

**79. Officers in arrears.**—No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is

withheld in pursuance of this section, the General Accounting Office, if required to do so by the party, his agent or attorney, shall report forthwith to the General Counsel for the Department of the Treasury the balance due; and the General Counsel shall, within sixty days thereafter, order suit to be commenced against such delinquent and his sureties. (R. S., sec. 1766; June 10, 1921, 42 Stat. 23; May 10, 1934, 48 Stat. 759; 5 U. S. C., sec. 82.)

**80. Restrictions on paying fees or dues in societies.**—No money appropriated by this or any other Act shall be expended for membership fees or dues of any officer or employee of the United States or of the District of Columbia in any society or association or for the expenses of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues, or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation. (June 26, 1912, sec. 8, 37 Stat. 184; 5 U. S. C., sec. 83.)

**81. Same; not to be deemed to prohibit certain payments.**—That nothing contained in the Act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes, approved June twenty-sixth, nineteen hundred and twelve, shall be so construed as to prohibit the payment from the appropriations for the Department of Agriculture of expenses incidental to the delivery of lectures, the giving of instruction, or the acquiring of information at meetings by its employees on subjects relating to the work of the department authorized by law. (Act Mar. 4, 1913, 37 Stat. 854; 5 U. S. C., sec. 83.)

**82. Annual or monthly compensation.**—Hereafter, where the compensation of any person in the service of the United States is annual or monthly the following rules for division of time and computation of pay for services rendered are hereby established: Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one-thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the thirty-first of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry: *Provided*, That for one day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited. (June 30, 1906, sec. 6, 34 Stat. 763; 5 U. S. C., sec. 84.)

**83. Compensation for clerks or secretaries of retired officials.**—That hereafter no allowance or compensation for clerks or secretaries of officials of the United States retired from active service shall be authorized. (July 1, 1898, sec. 1, 30 Stat. 644; 5 U. S. C., sec. 85.)

**84. Holidays allowed per diem employees.**—That the employees of the Navy Yard, Government Printing Office, Bureau of Printing and Engraving, and all other per diem employees of the Government on duty at Washington or elsewhere in the United States, shall be allowed the following holidays, to wit: The first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, and such days as may be designated by the President as days for national thanksgiving, and shall receive the same pay as on other days. (Jan. 6, 1885, 23 Stat. 516; 5 U. S. C., sec. 86.)

**85. Same.**—That all per diem employees of the Government, on duty at Washington or elsewhere in the United States, shall be allowed the day of each year which is celebrated as "Memorial" or "Decoration Day" and the fourth of July of each year as holiday and shall receive the same pay as on other days. (Feb. 23, 1887, 24 Stat. 644; 5 U. S. C., sec. 86.)

**86. Same; Labor Day.**—The first Monday of September in each year, being the day celebrated and known as "Labor's Holiday", is made a legal public holiday, to all intents and purposes, in the same manner as Christmas, the 1st day of January, the 22d day of February, the 30th day of May, and the 4th day of July are now made by law public holidays. (June 28, 1894, 28 Stat. 96; 5 U. S. C., sec. 87.)

**87. Removal of office.**—Whenever any public office is removed by reason of sickness which may prevail in the town or city where it is located, a particular account of the cost of such removal shall be laid before Congress. (R. S., sec. 1776; 5 U. S. C., sec. 88.)

**88. Evidence furnished by departments in suits in Court of Claims.**—In all suits brought against the United States in the Court of Claims founded upon any contract, agreement, or transaction with any Department, or any Bureau, officer, or agent of a Department, or where the matter or thing on which the claim is based has been passed upon and decided by any Department, Bureau, or officer authorized to adjust it, the Attorney-General shall transmit to such Department, Bureau, or officer, a printed copy of the petition filed by the claimant, with a request that the Department, Bureau, or officer, shall furnish to the Attorney General all facts, circumstances, and evidence touching the claim in the possession or knowledge of the Department, Bureau, or officer. Such Department, Bureau, or officer shall, without delay, and within a reasonable time, furnish the Attorney General with a full statement, in writing, of all such facts, information, and proofs. The statement shall contain a reference to or description of all such official documents or papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the Department, office, or place where the same is kept or may be procured. If the claim has been passed upon and decided by the Department, Bureau, or officer, the statement shall succinctly state the reasons and principles upon which such decision was based. In all cases where such decision was founded

upon any act of Congress, or upon any section or clause of such act, the same shall be cited specifically; and if any previous interpretation or construction has been given to such act, section, or clause by the Department, Bureau, or officer, the same shall be set forth succinctly in the statement, and a copy of the opinion filed, if any, shall be annexed to it. Where any decision in the case has been based upon any regulation of a Department, or where such regulation has, in the opinion of the Department, Bureau, or officer transmitting such statement, any bearing upon the claim in suit, the same shall be distinctly quoted at length in the statement. But where more than one case, or a class of cases, is pending, the defense to which rests upon the same facts, circumstances, and proofs, the Department, Bureau, or officer shall only be required to certify and transmit one statement of the same, and such statement shall be held to apply to all such cases, as if made out, certified, and transmitted in each case respectively. (R. S., sec. 188; 5 U. S. C., sec. 91.)

89. **Taking oaths or acknowledgments.**—In all cases in which, under the laws of the United States, oaths or acknowledgments may now be taken or made before any justice of the peace of any State or Territory, or in the District of Columbia, they may hereafter be also taken or made by or before any notary public duly appointed in any State, District, or Territory, or any of the commissioners of the circuit courts, and, when certified under the hand and official seal of such notary or commissioner, shall have the same force and effect as if taken or made by or before such justice of the peace. (R. S., sec. 1778; 5 U. S. C., sec. 92.)

90. **Oaths required by United States; administration by notaries public and other State officers.**—That in all cases in which, under the laws of the United States, oaths are authorized or required to be administered, they may be administered by notaries public duly appointed in any State, District, or Territory of the United States, by clerks and prothonotaries of courts of record of any such State, District, or Territory, by the deputies of such clerks and prothonotaries, and by all magistrates authorized by the laws of or pertaining to any such State, District, or Territory to administer oaths. (July 3, 1926, 44 Stat. 830; 5 U. S. C., sec. 92a.)

91. **Oaths to witnesses.**—Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army, Navy, Marine Corps, or Coast Guard, detailed to conduct an investigation, and the recorder, and if there be none the presiding officer, of any military, naval, or Coast Guard board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation. (R. S., sec. 183; Mar. 2, 1901, sec. 3, 31 Stat. 951; Feb. 13, 1911, 36 Stat. 898; Jan. 28, 1915, 38 Stat. 800; 5 U. S. C., sec. 93.)

92. **Subpœnas for witnesses.**—Any head of a Department or Bureau in which a claim against the United States is properly pending may apply to any judge or clerk of any court of the United States, in any State, District, or Territory, to issue a subpœna for a witness being within the jurisdiction of such court, to appear at a time and place in the subpœna stated, before any officer authorized to take deposi-

tions to be used in the courts of the United States, there to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined upon the subject of such claim. (R. S., sec. 184; 5 U. S. C., sec. 94.)

**93. Witnesses' fees.**—Witnesses subpoenaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States. (R. S., sec. 185; 5 U. S. C., sec. 95.)

**94. Compelling testimony.**—If any witness, after being duly served with such subpoena, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpoena issued may proceed, upon proper process, to enforce obedience to the subpoena, or to punish the disobedience, in like manner as any court of the United States may do in case of process of subpoena ad testificandum issued by such court. (R. S., sec. 186; 5 U. S. C., sec. 96.)

**95. Oaths to expense accounts.**—After June thirtieth, nineteen hundred and twelve, postmasters, assistant postmasters, collectors of customs, collectors of internal revenue, chief clerks of the various executive departments and bureaus, or clerks designated by them for the purpose, the superintendent, the acting superintendent, custodian, and principal clerks of the various national parks and other Government reservations, superintendent, acting superintendents, and principal clerks of the different Indian superintendencies or Indian agencies, and chiefs of field parties, are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand after said date by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and on and after July first, nineteen hundred and twelve, no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Aug. 24, 1912, sec. 8, 37 Stat. 487; 5 U. S. C., sec. 97.)

**96. Civil pension roll.**—The establishment of a civil pension roll or an honorable service roll, or the exemption of any of the officers, clerks, and persons in the public service from the existing laws respecting employment in such service, is hereby prohibited. (Feb. 24, 1899, sec. 4, 30 Stat. 890; 5 U. S. C., sec. 98.)

**97. Ex-officers or employees not to prosecute claims in departments.**—It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employé in any of the Departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said Departments while he was such officer, clerk, or employé, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employé. (R. S., sec. 190; 5 U. S. C., sec. 99.)

**98. Advertising practice before departments or offices of Government.**—That it shall be unlawful for any person, firm, or corporation practicing before any department or office of the Government to use the

name of any Member of either House of Congress or of any officer of the Government in advertising the said business. (Apr. 27, 1916, sec. 1, 39 Stat. 54; 5 U. S. C., sec. 101.)

99. Expenditures for newspapers.—No executive officer, other than the heads of Departments, shall apply more than thirty dollars, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office. (R. S., sec. 1779; 5 U. S. C., sec. 102.)

100. Same.—The amount expended in any one year for newspapers, for any Department, except the Department of State, including all the Bureaus and offices connected therewith, shall not exceed one hundred dollars. (R. S., sec. 192; June 22, 1906, sec. 7, 34 Stat. 449; 5 U. S. C., sec. 102.)

101. Expenditures for transportation of remains of deceased employees.—That hereafter the heads of Departments shall not authorize any expenditure in connection with transportation of remains of deceased employees, except when otherwise specifically provided by law. (June 7, 1897, sec. 3, 30 Stat. 86; 5 U. S. C., sec. 103.)

102. Information furnished committees of Congress on request.—Every executive department and independent establishment of the Government shall, upon request of the Committee on Expenditures in the Executive Departments of the House of Representatives, or of any seven members thereof, or upon request of the Committee on Expenditures in the Executive Departments of the Senate, or any five members thereof, furnish any information requested of it relating to any matter within the jurisdiction of said committee. (May 29, 1928, sec. 2, 45 Stat. 996; 5 U. S. C., sec. 105a.)

103. Time of making annual reports.—Except where a different time is expressly prescribed by law, the various annual reports required to be submitted to Congress by the heads of Departments shall be made at the commencement of each regular session, and shall embrace the transactions of the preceding year. (R. S., sec. 195; 5 U. S. C., sec. 106.)

104. Copy for annual reports and accompanying documents to be furnished printer.—That appropriations herein and hereafter made for printing and binding shall not be used for any annual report or the accompanying documents unless the copy therefor is furnished to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the fifteenth day of October of each year; copies of the annual reports on or before the fifteenth day of November of each year; complete revised proofs of the accompanying documents and the annual reports on the tenth and twentieth days of November of each year, respectively; and all of said annual reports and accompanying documents shall be printed, made public, and available for distribution not later than within the first five days after the assembling of each regular session of Congress. (July 1, 1916, sec. 3, 39 Stat. 336; 5 U. S. C., sec. 108.)

105. Inventories of property.—The Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, the Postmaster General, the Attorney General, and Secretary of Agriculture shall keep, in proper books, a complete inventory of all the property belonging to the United

States in the buildings, rooms, offices, and grounds occupied by them, respectively, and under their charge, adding thereto, from time to time, an account of such property as may be procured subsequently to the taking of such inventory, as well as an account of the sale or other disposition of any such property (except supplies of stationery and fuel in the public offices and books, pamphlets, and papers in the Library of Congress). (R. S., sec. 197; 5 U. S. C., sec. 109.)

**106. Transfer of miscellaneous books to District Library.**—Any books of a miscellaneous character no longer required for the use of such department, bureau, or commission, and not deemed an advisable addition to the Library of Congress, shall, if appropriate to the uses of the Free Public Library of the District of Columbia, be turned over to that library for general use as a part thereof. (Feb. 25, 1903, sec. 1, 32 Stat. 865; 5 U. S. C., sec. 110.)

**107. Custody of files and records of war agencies.**—That except as otherwise provided by law the President is authorized to transfer to the custody and care of such of the departments or independent establishments as he may determine, the files and records of the agencies created for the period of the war upon the discontinuance of such activities. (July 19, 1919, sec. 4; 41 Stat. 233; 5 U. S. C., sec. 111.)

**108. Disposition of useless papers in departments, or in the various public buildings under the control of such departments.**—That whenever there shall be in any one of the Executive Departments of the Government an accumulation of files of papers, which are not needed or useful in the transaction of the current business of such Department and have no permanent value or historical interest, it shall be the duty of the head of such Department to submit to Congress a report of that fact, accompanied by a concise statement of the condition and character of such papers. And upon the submission of such report, it shall be the duty of the presiding officer of the Senate to appoint two Senators, and of the Speaker of the House of Representatives to appoint two Representatives, and the Senators and Representatives so appointed shall constitute a joint committee, to which shall be referred such report, with the accompanying statement of the condition and character of such papers, and such joint committee shall meet and examine such report and statement and the papers therein described, and submit to the Senate and House, respectively, a report of such examination and their recommendation. And if they report that such files of papers, or any part thereof, are not needed or useful in the transaction of the current business of such Department, and have no permanent value or historical interest, then it shall be the duty of such head of the Department to sell as waste paper, or otherwise dispose of such files of papers upon the best obtainable terms after due publication of notice inviting proposals therefor, and receive and pay the proceeds thereof into the Treasury of the United States, and make report thereof to Congress. (Mar. 3, 1881, sec. 1, 21 Stat. 412; Aug. 5, 1882, sec. 1, 22 Stat. 228; Feb. 16, 1889, 25 Stat. 672; Mar. 2, 1895, sec. 1, 28 Stat. 933; 5 U. S. C., sec. 112.)

**109. Prohibition of contributions or presents to superior.**—No officer, clerk, or employe in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employes

in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ. (R. S., sec. 1784; 5 U. S. C., sec. 113.)

**110. Foreign decorations.**—That no decoration, or other thing, the acceptance of which is authorized by this act, and no decoration heretofore accepted, or which may hereafter be accepted, by consent of Congress, by any officer of the United States, from any foreign government, shall be publicly shown or exposed upon the person of the officer so receiving the same. (Jan. 31, 1881, sec. 2, 21 Stat. 604; 5 U. S. C., sec. 114.)

**111. Foreign decorations; delivery through State Department.**—That hereafter any present, decoration, or other thing, which shall be conferred or presented by any foreign government to any officer of the United States, civil, naval, or military, shall be tendered through the Department of State, and not to the individual in person, but such present, decoration, or other thing shall not be delivered by the Department of State unless so authorized by act of Congress. (Jan. 31, 1881, sec. 3, 21 Stat. 604; 5 U. S. C., sec. 115.)

**112. Expenditures for telegraph and telephone communication.**—That hereafter the head of any department or establishment of the Government, in his discretion, may transfer in advance to the Signal Corps of the Army, from appropriations available for the transmission of messages such amounts as may be necessary to defray the expense of transmitting messages turned over by him to that corps, including the payment of toll charges of commercial carriers, the leasing of facilities required for transmitting messages, and the installation and maintenance of such facilities. (Apr. 15, 1926, 44 Stat. 267; 5 U. S. C., sec. 118.)

**113. Civilian officers and employees having permanent station in foreign countries; living quarters.**—That under such regulations as the heads of the respective departments concerned may prescribe and the President approve, civilian officers and employees of the Government having permanent station in a foreign country may be furnished, without cost to them, living quarters, including heat, fuel, and light, in Government-owned or rented buildings and, where such quarters are not available, may be granted an allowance for living quarters, including heat, fuel, and light, notwithstanding the provisions of section 1765 of the Revised Statutes (U. S. C., title 5, sec. 70) : *Provided*, That said rented quarters or allowances in lieu thereof may be furnished only within the limits of such appropriations as may be made therefor, which appropriations are hereby authorized : *Provided further*, That the provisions of this Act shall apply only to those civilian officers and employees who are citizens of the United States. (June 26, 1930, 46 Stat. 818; 5 U. S. C., sec. 118a.)

**113a. Subscription charges for newspapers, etc., for official use; payment in advance.**—That subscription charges for newspapers, magazines, and other periodicals for official use of any office under the Government of the United States or the municipal government of the Dis-

trict of Columbia may be paid in advance from appropriations available therefor, notwithstanding the provisions of section 3648 of the Revised Statutes [U. S. C., title 31, sec. 529]. (June 12, 1930, 46 Stat. 580; 5 U. S. C., sec. 118b.)

114. Annual appropriations to sustain losses of United States employees in foreign countries due to appreciation of foreign currencies.—That there are authorized to be appropriated annually such sums as may be necessary to enable the President, in his discretion and under such regulations as he may prescribe and notwithstanding the provisions of any other Act and upon recommendation of the Director of the Budget, to meet losses sustained on and after July 15, 1933, by officers, enlisted men, and employees of the United States while in service in foreign countries due to the appreciation of foreign currencies in their relation to the American dollar, and to cover any deficiency in the accounts of the Treasurer of the United States, including interest, arising out of the arrangement approved by the President on July 27, 1933, for the conversion into foreign currencies of checks and drafts of officers, enlisted men, and employees for salaries and expenses: *Provided*, That such action as the President may take shall be binding upon all executive officers of the Government: *Provided further*, That no payments authorized by this Act shall be made to any officers, enlisted men, or employees for periods during which their checks or drafts were converted into foreign currencies under the arrangement hereinbefore referred to: *Provided further*, That allowances and expenditures pursuant to this Act shall not be subject to income taxes: *And provided further*, That the Director of the Budget shall report all expenditures made for this purpose to Congress annually with the Budget estimates. (Mar. 26, 1934, 48 Stat. 466; 5 U. S. C., sec. 118c.)

115. Title to motor vehicles.—The commissioners shall cause to be levied, collected, and paid such fees for titling and retitling as they deem necessary, not to exceed the sum of \$1 for each such titling or retitling, and they shall not after the 1st day of January 1932, register or renew the registration of any motor vehicle or trailer unless and until the owner thereof shall make application in the form prescribed by the commissioners, under oath, and be granted an official certificate of title for such vehicle. No registration or other fee shall be charged to vehicles owned by the Federal or District Government, or any duly accredited representative of a foreign government. The owner of a motor vehicle or trailer registered in the District of Columbia shall not after the 1st day of January 1932, operate or permit or cause to be operated any such vehicle upon any public highway in the District without first obtaining a certificate of title therefor, nor shall any individual knowingly permit any certificate of title to be obtained in his name for any vehicle not in fact owned by him, and any individual violating any provision of this subsection or any regulations promulgated thereunder shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (Feb. 27, 1931, 46 Stat. 1424; 6 D. C. Code, sec 243d.)

115a. Operation of motor vehicle in District of Columbia without permit prohibited.—No individual shall operate a motor vehicle in the District, except as provided in section 8 [6 D. C. Code, sec. 245], without having first obtained an operator's permit issued under the pro-

visions of this Act. Any individual violating any provision of this subdivision shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than one year, or both. (Mar. 3, 1925, 47 Stat. 1121, sec. 7e; 6 D. C. Code, sec. 244e.)

**115b. Nonresidents; exemptions.**—(a) The owner or operator of any motor vehicle who is not a legal resident of the District, and who has complied with the laws of any State, Territory, or possession of the United States, or of a foreign country or political subdivision thereof, in respect of the registration of motor vehicles and the licensing of operators thereof, shall, subject to the provisions of this section, be exempt from compliance with section 7 [6 D. C. Code, sec. 244] and with any provision of law or regulation requiring the registration of motor vehicles or the display of identification tags in the District. Such exemption shall cover the period immediately following the entrance of such owner or operator into the District equal to the period for which the director has previously found that a similar privilege is extended to legal residents of the District by such State, Territory, or possession of the United States, or foreign country or political subdivision thereof. The director shall from time to time ascertain such privileges and cause his findings to be promulgated.

(b) Any operator of a motor vehicle who is not a legal resident of the District and who does not have in his immediate possession an operator's permit issued by a State, Territory, or possession of the United States, or foreign country or political subdivision thereof, having motor-vehicle reciprocity relations with the District, shall not operate a motor vehicle in the District unless (1) the laws of the State, Territory, or possession of the United States, or foreign country or political subdivision thereof, under which the motor vehicle is registered do not require the issuance of a motor-vehicle operator's permit or (2) he has submitted to examination within 72 hours after entering the District and obtained an operator's permit in accordance with the provisions of section 7 of this Act [6 D. C. Code, sec. 244]. Any individual who violates any provision of this subdivision shall, upon conviction thereof, be fined not less than \$5 nor more than \$50 or imprisoned not less than 30 days, or both. (Mar. 3, 1925, sec. 8; 43 Stat. 1123, 6 D. C. Code, sec. 245.)

**EX OFFICIO COMMISSIONER FOR ALASKA REPRESENTING DEPARTMENTS OF INTERIOR, AGRICULTURE, AND COMMERCE**

**116. Designation of commissioners, residence.**—That the Secretaries of the Departments of the Interior, Agriculture, and Commerce be, and they are hereby, authorized and empowered, each for his own department, to designate an employee thereof, employed in and residing in Alaska, who shall be styled ex officio Commissioner for Alaska for the department from which he is selected and who, from the date of his designation, shall reside and maintain an office in the capital of Alaska. (Feb. 10, 1927, sec. 1, 44 Stat. 1068; 5 U. S. C., sec. 119.)

**117. Powers of commissioners.**—That each of said Secretaries shall delegate and assign to the commissioner representing his department general charge of any or all matters in Alaska under the jurisdiction of such department, or of any bureau or agency thereof, to the ex-

tent, in the manner, and subject to such supervision and control as the Secretary may deem proper and expedient. (Feb. 10, 1927, sec. 2, 44 Stat. 1068; 5 U. S. C., sec. 120.)

**118. Personnel under commissioners.**—That, to the extent the respective Secretaries may determine, employees of the departments affected by this Act who are stationed in Alaska shall be placed under the direct supervision and control of the ex officio commissioner for his department, herein provided for, together with any additional force which may be detailed by the Secretary of the Interior, Agriculture, or Commerce, from the personnel of his department, should necessity therefor arise; but nothing herein contained shall be construed to authorize the employment of any additional personnel or to warrant the transfer of any clerk or other employee from one department to another, except in the manner provided by law. (Feb. 10, 1927, sec. 3, 44 Stat. 1068; 5 U. S. C., sec. 121.)

**119. Transfer of records, property, and unexpended balances of appropriations.**—That the Secretaries named in section 1 hereof may transfer to the officer designated hereunder as his representative the records or transcripts of records, property (including office and field equipment), and unexpended balances of appropriations which they may deem necessary or proper to transfer to Alaska in order to carry into effect the provisions of this Act. (Feb. 10, 1927, sec. 4, 44 Stat. 1068; 5 U. S. C., sec. 122.)

**120. Additional powers conferred on commissioners by order of President; construction and maintenance of roads.**—That the President of the United States may, by order in writing, should he deem it conducive to economical and effective administration, and with the concurrence of all the Secretaries of the respective departments involved, place under the supervision and direction of one of the three ex-officio commissioners provided for in section 1 hereof, and subject to the provisions of section 2 of this Act, any governmental activity relating to Alaska provided for by law now under the direction of the Secretaries named in section 1 hereof, and to transfer to the officer so selected, the necessary personnel, records, or transcripts of records, property (including office and field equipment), and unexpended balances of appropriations: *Provided*, That the charge and control of all matters relating to the construction and maintenance of roads in Alaska which may now be under the jurisdiction of any other department, bureau, or agency of the Government, together with the records or transcripts thereof, the property, including field and office equipment, and the unexpended balances of appropriations pertaining thereto, may, with the concurrence of the Secretaries of the respective departments involved, be assigned and transferred to the Board of Road Commissioners for Alaska, created by and in pursuance of the provisions of section 2 of the Act of Congress entitled "An Act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes", approved January 27, 1905, as amended by the Act approved May 14, 1906 [48 U. S. C., sec. 321]. (Feb. 10, 1927, sec. 5, 44 Stat. 1068; 5 U. S. C., sec. 123.)

## TREASURY DEPARTMENT

**121. Commencement of fiscal year.**—The fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations, except accounts of the Secretary of the Senate for compensation and traveling expenses of Senators, and accounts of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of members and delegates, shall commence on the first day of July in each year; and all accounts of receipts and expenditures required by law to be published annually shall be prepared and published for the fiscal year, as thus established. (R. S., sec. 237; Oct. 1, 1890, 26 Stat. 646; 5 U. S. C., sec. 256.)

**122. Reports by Secretary of Treasury to Congress of officers delinquent in rendering accounts.**—The Secretary of the Treasury shall, on the first Monday of January in each year, make report to Congress of such officers and administrative departments and offices of the Government as were, respectively, at any time during the last preceding fiscal year delinquent in rendering or transmitting accounts to the proper offices in Washington and the cause therefor, and in each case indicating whether the delinquency was waived, together with such officers, including postmasters and officers of the Post-Office Department, as were found upon final settlement of their accounts to have been indebted to the Government, with the amount of such indebtedness in each case, and who, at the date of making report, had failed to pay the same into the Treasury of the United States. (July 31, 1894, sec. 12, 28 Stat. 209; May 28, 1896, 29 Stat. 179; 5 U. S. C., sec. 267.)

## DEPARTMENT OF JUSTICE

**123. Opinion and advice of Attorney General to heads of executive departments.**—The head of any Executive Department may require the opinion of the Attorney General on any questions of law arising in the administration of his Department. (R. S., sec. 356; 5 U. S. C., sec. 304.)

**124. Department of Justice to perform legal services for departments.**—The officers of the Department of Justice, under the direction of the Attorney General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of Departments, and the heads of Bureaus and other officers in the Departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in the cases provided by section three hundred and sixty-three. [5 U. S. C., sec. 312.] (R. S., sec. 361; 5 U. S. C., sec. 306.)

**125. Attendance of counsel.**—Whenever the head of a Department or Bureau gives the Attorney General due notice that the interests of the United States require the service of counsel upon the examination of witnesses touching any claim, or upon the legal investi-

gation of any claim, pending in such Department or Bureau, the Attorney General shall provide for such service. (R. S., sec. 364; 5 U. S. C., sec. 313.)

**126. Counsel fees restricted.**—No compensation shall hereafter be allowed to any person, besides the respective district attorneys and assistant district attorneys for services as an attorney or counselor to the United States, or to any branch or Department of the Government thereof, except in cases specially authorized by law, and then only on the certificate of the Attorney General that such services were actually rendered, and that the same could not be performed by the Attorney General, or Solicitor General, or the officers of the Department of Justice, or by the district attorneys. (R. S., sec. 365; 5 U. S. C., sec. 314.)

**127. Appointment and oath of special attorneys or counsel.**—Every attorney or counselor who is specially retained, under the authority of the Department of Justice, to assist in the trial of any case in which the Government is interested, shall receive a commission from the head of such Department, as a special assistant to the Attorney General, or to some one of the district attorneys, or as a special attorney, as the nature of the appointment may require; and shall take the oath required by law to be taken by the district attorneys, and shall be subject to all the liabilities imposed upon them by law. Foreign counsel employed by the Attorney General in special cases shall not be required to take the oath required by this section. (R. S., sec. 366; Apr. 17, 1930; 46 Stat. 170; 5 U. S. C., sec. 315.)

#### DEPARTMENT OF AGRICULTURE

**128. Establishment of the Department of Agriculture.**—There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants. (R. S. sec. 520; 5 U. S. C., sec. 511.)

**129. Executive Department under Secretary.**—That the Department of Agriculture shall be an Executive Department under the supervision and control of a Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate; and section one hundred and fifty-eight of the Revised Statutes [5 U. S. C., sec. 1] is hereby amended to include such Department, and the provisions of title four of the Revised Statutes [5 U. S. C., ch. 1], including all amendments thereto, are hereby made applicable to said Department.

That all laws and parts of laws relating to the Department of Agriculture now in existence, as far as the same are applicable and not in conflict with this act, and only so far, are continued in full force and effect. (Feb. 9, 1889, secs. 1, 4, 25 Stat. 659; 5 U. S. C., sec. 512.)

**130. Seal.**—The Secretary of Agriculture is hereby authorized and directed to procure a proper seal, with such suitable inscriptions and devices as he may approve, to be known as the official seal of the

Department of Agriculture, and to be kept and used to verify official documents, under such rules and regulations as he may prescribe. (Aug. 8, 1894, sec. 1, 28 Stat. 272; 5 U. S. C., sec. 513.)

**131. Duties of the Secretary of Agriculture.**—The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his Office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists. (R. S., sec. 526; 5 U. S. C., sec. 514.)

**132. Under Secretary of Agriculture; compensation.**—There is hereby established in the Department of Agriculture the position of Under Secretary of Agriculture, to be appointed by the President, by and with the advice and consent of the Senate, and whose compensation shall be at the rate of \$10,000 per annum. (Mar. 26, 1934, 48 Stat. 467; 5 U. S. C., sec. 514a.)

**133. Secretary to perform duties of former Commissioner of Agriculture.**—The authority granted to the Secretary of Agriculture by the act of May twenty-ninth, eighteen hundred and eighty-four, establishing the Bureau of Animal Industry, and by the provisions of the appropriation act for the Agricultural Department, approved July eighteenth, eighteen hundred and eighty-eight, relating to said Bureau, is hereby vested in the Secretary of Agriculture; and the said Secretary is hereby authorized and directed to perform all the duties named in said acts and all other acts of Congress in force on February ninth, eighteen hundred and eighty-nine, to be performed by the Commissioner of Agriculture. (July 14, 1890, 26 Stat. 288; 5 U. S. C., sec. 515.)

**134. Custody of property.**—The Secretary of Agriculture shall have charge, in the building and premises appropriated to the Department, of the library, furniture, fixtures, records, and other property appertaining to it, or hereafter acquired for use in its business. (R. S., sec. 525; 5 U. S. C., sec. 516.)

**135. Assistant Secretary.**—That there shall be in said Department an Assistant Secretary of Agriculture, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as may be required by law or prescribed by the Secretary. (Feb. 9, 1889, sec. 2, 25 Stat. 659; 5 U. S. C., sec. 517.)

**136. Duties of the Assistant Secretary of Agriculture.**—The Assistant Secretary is hereby authorized to perform such duties in the conduct of the business of the Department of Agriculture as may be assigned by the Secretary of Agriculture. (June 30, 1906, sec. 2, 34 Stat. 670; 5 U. S. C., sec. 517.)

**137. Solicitor.**—Hereafter the legal work of the Department of Agriculture shall be performed under the supervision and direction of the solicitor. (May 26, 1910, 36 Stat. 416; 5 U. S. C., sec. 518.)

**138. Chief clerk.**—The Secretary of Agriculture shall appoint a chief clerk. (R. S., sec. 523; 5 U. S. C., sec. 519.)

**139. Bonds.**—The chief clerk, before entering upon his duties, shall give bond to the Treasurer of the United States in the sum of five thousand dollars, conditioned to render a true and faithful account to the Treasurer quarter-yearly of all moneys which shall be by him received by virtue of his office, with surety to be approved by the General Counsel for the Department of the Treasury. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof. (R. S., sec. 524, May 10, 1934, 48 Stat. 759; 5 U. S. C., sec. 520.)

**140. Oaths, affirmations, and affidavits taken by officers, agents, etc., of Department; use and effect of.**—That such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are hereby authorized and empowered to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of any law committed to or which may hereafter be committed to the Secretary of Agriculture or the Department of Agriculture or any bureau or subdivision thereof for administration. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee when certified under his hand and authenticated by the seal of the Department of Agriculture may be offered or used in any court of the United States and shall have like force and effect as if administered or taken before a clerk of such court without further proof of the identity or authority of such officer, agent, or employee. (Jan. 31, 1925, sec. 1, 43 Stat. 803; 5 U. S. C., sec. 521.)

**141. Same; fee for taking.**—That no officer, agent, or employee of the Department of Agriculture shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by this Act. (Jan. 31, 1925, sec. 2, 43 Stat. 803; 5 U. S. C., sec. 522.)

**142. Watchmen.**—And hereafter all duly and lawfully constituted and appointed watchmen of the Department of Agriculture stationed in and upon the buildings and premises of said department in the city of Washington, District of Columbia, shall have and perform the same powers and duties, while on duty in and about said premises, as the Metropolitan Police of the District of Columbia. (Mar. 4, 1909, 35 Stat. 1057; 5 U. S. C., sec. 523.)

**143. Bureaus of Soils, Forestry, Chemistry, and of Plant Industry.**—That all existing statutes relating to the Division of Soils, reorganized into the Bureau of Soils; the Division of Forestry, reorganized into the Bureau of Forestry; the Division of Chemistry, reorganized into the Bureau of Chemistry; and the Division of Botany, the Division of Pomology, the Division of Vegetable Physiology and Pathology, the Division of Agrostology and Experimental Gardens and Grounds, reorganized into the Bureau of Plant Industry, not otherwise repealed, shall remain in effect as applying to the respective bureaus into which the divisions named have been reorganized. (June 3, 1902, 32 Stat. 303; 5 U. S. C., sec. 524.)

**144. Disbursing clerk; deputy.**—**Salaries, Division of Accounts and Disbursements:**<sup>3</sup> One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, \* \* \* one deputy disbursing clerk, \* \* \*.

The deputy disbursing clerk herein provided for shall hereafter have authority to sign checks in the name of the disbursing clerk; he shall give bond to the United States in such sum as the Secretary of the Treasury may require, and when so acting for the disbursing clerk shall be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the disbursing clerk for whom he acts, and the official bond of the disbursing clerk executed shall also be made to cover and apply to the acts of the deputy disbursing clerk. (Mar. 4, 1911, 36 Stat. 1258; 5 U. S. C., sec. 525.)

**145. Promotion of laborers without examination.**—That all classified laborers whose positions were transferred from the lump funds to the statutory rolls by the Act making appropriations for the Department of Agriculture approved March third, nineteen hundred and five, and who were by the last clause of that Act placed in the classified service without further examination in the grades and at the rates of compensation provided in said Act, are hereby made eligible for promotion without further examination. (June 30, 1906, 34 Stat. 695; 5 U. S. C., sec. 526.)

**146. Appointments, promotions, and changes in salaries.**—Hereafter the Secretary of Agriculture is hereby authorized to make such appointments, promotions, and changes in salaries, to be paid out of the lump funds of the several bureaus, divisions, and offices of the Department as may be for the best interests of the service. (Mar. 4, 1907, 34 Stat. 1280; 5 U. S. C., sec. 527.)

**147. Salaries; how paid.**—The Secretary of Agriculture is hereby authorized and directed to pay the salary of each employee from the roll of the bureau, independent division, or office in which the employee is working, and no other. (Mar. 4, 1907, 34 Stat. 1280; 5 U. S. C., sec. 528.)

**148. Assignment of pay.**—And hereafter the Secretary of Agriculture is authorized to permit employees of the Department of Agriculture to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the said department. (Mar. 4, 1909, 35 Stat. 1057; 5 U. S. C., sec. 529.)

**149. Details of employees from or to office of Secretary.**—That details may be made from or to the office of the Secretary when necessary and the services of the person whom it is proposed to detail are not required in that office. (Mar. 4, 1907, 34 Stat. 1280; 5 U. S. C., sec. 530.)

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<sup>3</sup> The function of disbursement of moneys of the United States exercised by any agency is transferred to the Treasury Department and, together with the Office of Disbursing Clerk of that Department, is consolidated in a Division of Disbursement, at the head of which shall be a Chief Disbursing Officer. The Division of Disbursement of the Treasury Department is authorized to establish local offices, or to delegate the exercise of its functions locally to officers or employees of other agencies, according as the interests of efficiency and economy may require. The Division of Disbursement shall disburse moneys only upon the certification of persons by law duly authorized to incur obligations upon behalf of the United States. The function of accountability for improper certification shall be transferred to such persons, and no disbursing officer shall be held accountable therefor. (Executive Order No. 6166, June 10, 1933, sec. 4.)

150. Same; Law clerks.—That hereafter the law clerks may be detailed by the Secretary of Agriculture for service in or out of Washington. (Mar. 4, 1911, 36 Stat. 1236; 5 U. S. C., sec. 531.)

151. Same; from and to library and bureaus and offices.—That hereafter employees of the library may be temporarily detailed by the Secretary of Agriculture for library service in the bureaus and offices of the department, and employees of the bureaus and offices of the department engaged in library work may also be temporarily detailed to the library. (Mar. 4, 1911, 36 Stat. 1261; 5 U. S. C., sec. 532.)

152. Same; from and to Division of Accounts and Disbursements and bureaus and offices.—That hereafter employees of the Division of Accounts and Disbursements may be detailed by the Secretary of Agriculture for accounting and disbursing work in any of the bureaus and offices of the department for duty in or out of the city of Washington, and employees of the bureaus and offices of the department may also be detailed to the Division of Accounts and Disbursements for duty in or out of the city of Washington, traveling expenses of employees so detailed to be paid from the appropriation of the bureau or office in connection with which such travel is performed. (Aug. 10, 1912, 37 Stat. 294; 5 U. S. C., sec. 533.)

153. Leaves of absence; employees outside Washington.—The employees of the Department of Agriculture, outside of the city of Washington, may hereafter, in the discretion of the Secretary of Agriculture, be granted leave of absence not to exceed fifteen days in any one year, which leave may in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year. (May 23, 1908, 35 Stat. 267; 5 U. S. C., sec. 534.)

154. Same; employees assigned to permanent duty in Alaska, Hawaii, Porto Rico, and Guam.—Hereafter employees of the Department of Agriculture assigned to permanent duty in Alaska, Hawaii, Puerto Rico, and Guam may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed thirty days in any one year, which leave may, in exceptional and meritorious cases where an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed thirty days additional in any one year. (June 30, 1914, 38 Stat. 441; June 30, 1932, sec. 215, 47 Stat. 407; Mar. 20, 1933, title II, sec. 4, 48 Stat. 14; 5 U. S. C., sec. 535.)

155. Same; employees in the Virgin Islands.—That hereafter employees of the Department of Agriculture assigned to permanent duty in the Virgin Islands shall be entitled to the same privileges as to leave of absence as are conferred upon employees assigned to Alaska, Hawaii, Puerto Rico, and Guam by the Act of June 30, 1914 (Thirty-eighth Statutes at Large, page 441) [5 U. S. C., sec. 535], and if any employee of the agricultural experiment stations of the United States in Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands shall elect to postpone the taking of any or all of the annual leave to which he may be entitled under the said Act of June 30, 1914, he may, in the discretion of the Secretary of Agriculture, subject to the interests of the public service, be allowed to take at one time unused annual leave which may have accumulated within not to exceed four years, and be paid at the rate prevailing during the

year such leave of absence has accumulated. (July 24, 1919, 41 Stat. 262; 5 U. S. C., sec. 536.)

156. Leave of absence to agricultural experiment station employees in Alaska, Hawaii, and Puerto Rico.—The employees of the experiment stations in Alaska, Hawaii, and Puerto Rico may in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended in the discretion of the Secretary of Agriculture not to exceed fifteen days additional in any one year. (June 30, 1906, 34 Stat. 694; 5 U. S. C., sec. 537.)

157. Traveling expenses.—And hereafter the Secretary of Agriculture is authorized to purchase from appropriations made for traveling expenses for employees of the Department of Agriculture, mileage and mileage books, at commercial rates, in the manner in which such mileage or mileage books are usually purchased. (Mar. 4, 1907, 34 Stat. 1281; 5 U. S. C., sec. 538.)

158. Same; on transfer between stations.—That hereafter officers and employees of the Department of Agriculture transferred from one official station to another for permanent duty, when authorized by the Secretary of Agriculture, may be allowed actual traveling expenses, including charges for the transfer of their effects and personal property used in official work, under such rules and regulations as may be prescribed by the Secretary of Agriculture. (Mar. 4, 1911, 36 Stat. 1265; 5 U. S. C., sec. 539.)

159. Same; Per diem in lieu of subsistence.—That hereafter, when officials and employees of the Department of Agriculture are traveling on official business in the United States, they may be allowed necessary railroad and steamboat fares, sleeping berth, and stateroom on steamboats, livery hire and stage fare, and other means of conveyance between points not accessible by railroad, but in lieu of subsistence and all other traveling expenses they may receive a per diem allowance, to be fixed by the Secretary in each case, in addition to their regular salaries, subject to such rules and regulations as the Secretary of Agriculture may prescribe. (Aug. 10, 1912, 37 Stat. 300; 5 U. S. C., sec. 540.)

160. Same; Reimbursement for street-car fares.—That hereafter officials and employees of the Department of Agriculture may, when authorized by the Secretary of Agriculture, receive reimbursement for moneys expended for street-car fares at their official headquarters when expended in the transaction of official business. (Aug. 10, 1912, 37 Stat. 300; 5 U. S. C., sec. 541.)

161. Purchase for bureaus from appropriation for contingent expenses.—That hereafter the Secretary of Agriculture may purchase stationery, supplies, furniture, and miscellaneous materials from this appropriation [for contingent expenses] and transfer the same at actual cost to the various bureaus, divisions, and offices of the Department of Agriculture in the city of Washington, reimbursement therefor to be made to this appropriation by said bureaus, divisions, and offices from their lump-fund appropriations by transfer settlements through the Treasury Department. (Aug. 10, 1912, 37 Stat. 296; 5 U. S. C., sec. 542.)

**162. Reimbursement of appropriation for salaries and compensation in mechanical shops.**—That hereafter the Secretary of Agriculture may, by transfer settlement through the general accounting office, reimburse any appropriation made for the salaries and compensation of employees in the mechanical shops of the department from the appropriation made for the bureau, office, or division for which any work in said shops is performed, and such reimbursement shall be at the actual cost of labor for such work. (May 11, 1922, 42 Stat. 508; 5 U. S. C., sec. 543.)

**162a. Employees in Alaska; subsistence, equipment, supplies.**—That the Secretary of Agriculture be, and he is hereby, authorized to furnish subsistence to employees of the United States Department of Agriculture in the Territory of Alaska, and to purchase personal equipment and supplies for them, and to make deductions to meet the cost thereof from any money appropriated for salary payments or otherwise due such employees. (Feb. 16, 1931, 46 Stat. 1162, 5 U. S. C., sec. 543a.)

**163. Sale of waste paper.**—And hereafter the Secretary of Agriculture is authorized to sell as waste, waste paper, or otherwise to dispose of the accumulation of Department files which do not constitute permanent records, and all other documents and publications which have become obsolete or worthless. (Mar. 4, 1907, 34 Stat. 1281; 5 U. S. C., sec. 544.)

**164. Exchange of typewriters and computing machines.**—That the Secretary of Agriculture may hereafter exchange typewriters and computing, addressing, and duplicating machines purchased from any lump-fund appropriation of the Department of Agriculture. (Aug. 10, 1912, 37 Stat. 296; 5 U. S. C., sec. 545.)

**165. Exchange of scientific apparatus and laboratory equipment.**—The Secretary of Agriculture may hereafter exchange general scientific apparatus and laboratory equipment purchased from any appropriation of the Department of Agriculture. (June 30, 1914, 38 Stat. 441; 5 U. S. C., sec. 546.)

**166. Exchange of books.**—That hereafter the Secretary of Agriculture may exchange books and periodicals of the library not needed for permanent use for other books and periodicals. (Mar. 4, 1915, 38 Stat. 1107; 5 U. S. C., sec. 548.)

**167. Sale or exchange of animals or animal products.**—Hereafter the Secretary of Agriculture is authorized to sell in the open market or to exchange for other livestock such animals or animal products as cease to be needed in the work of the department, and all moneys received from the sale of such animals or animal products or as a bonus in the exchange of the same shall be deposited in the Treasury of the United States as miscellaneous receipts. (Mar. 4, 1915, 38 Stat. 1114; 5 U. S. C., sec. 549.)

**168. American bison for municipalities, etc., permitted.**—That hereafter the Secretary of Agriculture may, in his discretion and under such conditions as he may prescribe, supply to any municipality or public institution not more than one American bison from any surplus which may exist in any herd under the control of the Department of Agriculture; and, in order to aid in the propagation of the species, animals may be loaned to or exchanged with other owners of American bison. (July 24, 1919, 41 Stat. 270; 5 U. S. C., sec. 550.)

**169. Sale of copies of card index.**—And hereafter the Secretary of Agriculture may furnish to such institutions or individuals as may care to buy them, copies of the card index of the publications of the Department and of other agricultural literature prepared by the library, and charge for the same a price covering the additional expense involved in the preparation of these copies. And the Secretary of Agriculture hereafter may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts. And the Secretary of Agriculture hereafter may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Department of Agriculture in connection with its administration of the Act of March second, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, page four hundred and forty), and the Act of March sixteenth, nineteen hundred and six (Thirty-fourth Statutes at Large, page sixty-three), and the Acts amendatory of and supplementary thereto [7 U. S. C., secs. 362, 363, 366, 368, 369, 371], and charge for the same a price covering the additional expenses involved in the preparation of these copies, the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts. (May 23, 1908, 35 Stat. 264, 266; Mar. 4, 1915, 38 Stat. 1109; 5 U. S. C., sec. 551.)

**170. Sale of photographic prints and maps.**—The Secretary of Agriculture hereafter may dispose of photographic prints (including bromide enlargements), lantern slides, transparencies, blueprints, and forest maps at cost and ten per centum additional, and condemned property or materials under his charge in the same manner as provided by law for other bureaus. (Mar. 4, 1907, 34 Stat. 1269; 5 U. S. C., sec 552.)

**171. Sale of prints and lantern slides.**—And hereafter the Secretary of Agriculture is hereby authorized to furnish, upon application, prints and lantern slides from negatives in the possession of the department and to charge for the same a price to cover the cost of preparation, such price to be determined and established by the Secretary of Agriculture, and the money received from such sales to be deposited in the Treasury of the United States. (Mar. 4, 1907, 34 Stat. 1281; 5 U. S. C., sec. 553.)

**172. Loan, rent, or sale, of films.**—That hereafter the Secretary of Agriculture is authorized, under such rules and regulations and subject to such conditions as he may prescribe, to loan, rent, or sell copies of films: *Provided*, That in the sale or rental of films educational institutions or associations for agricultural education not organized for profit shall have preference; all moneys received from such rentals or sales to be covered into the Treasury of the United States as miscellaneous receipts. (May 31, 1920, 41 Stat. 718; 5 U. S. C., sec. 554.)

**173. Sale of samples of pure sugars.**—Hereafter the Secretary of Agriculture may furnish, upon application, samples of pure sugars, naval stores, microscopical specimens, and other products to State

and municipal officers, educational institutions, and other parties and charge for the same a price to cover the cost thereof, such price to be determined and established by the Secretary, and the money received from sales to be deposited in the Treasury of the United States as miscellaneous receipts. (Mar. 4, 1915, 38 Stat. 1101; 5 U. S. C., sec. 555.)

**174. Reports.**—The Secretary of Agriculture shall annually make a general report in writing of his acts to the President, in which he may recommend the publication of papers forming parts of or accompanying his report, which shall also contain an account of all moneys received and expended by him. He shall also make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject of his charge requires it. (R. S. sec. 528, May 29, 1928, 45 Stat. 993; 5 U. S. C., sec. 557.)

**174a. Same; expenditure of appropriations; accounting.**—The Secretary of Agriculture shall direct and superintend the expenditure of all money appropriated to the Department and render accounts thereof. (R. S., sec. 3677, Feb. 9, 1889, secs. 1, 4, 25 Stat. 659; 5 U. S. C., sec. 557a.)

**174b. Same; additional statement of expenditures.**—The Secretary of Agriculture shall furnish proper vouchers and accounts for the sums appropriated for the Department of Agriculture to the General Accounting Office. (Mar. 3, 1885, sec. 2, 23 Stat. 356; Aug. 11, 1916, 39 Stat. 492; June 10, 1921, sec. 301, 42 Stat. 23; May 29, 1928, 45 Stat. 992; 5 U. S. C., sec. 558.)

**174c. Schedule of expenditures in annual Budget.**—That a separate schedule of expenditures, transfers of funds, or other transactions hereunder [in the office of the Secretary of Agriculture] shall be included in the annual Budget. (Mar. 26, 1934, ch. 89, title I, 48 Stat. 469; 5 U. S. C., sec. 558a.)

**175. Cooperation with State and other agencies.**—That hereafter in carrying on the activities of the Department of Agriculture involving cooperation with State, county, and municipal agencies, associations of farmers, individual farmers, universities, colleges, boards of trade, chambers of commerce, or other local associations of businessmen, business organizations, and individuals within the State, Territory, district, or insular possession in which such activities are to be carried on, moneys contributed from such outside sources, except in the case of the authorized activities of the Forest Service, shall be paid only through the Secretary of Agriculture or through State, county, or municipal agencies, or local farm bureaus or like organizations, cooperating for the purpose with the Secretary of Agriculture. (July 24, 1919, 41 Stat. 270; 5 U. S. C., sec. 563.)

**176. Same; salaries of employees of department.**—The officials and the employees of the Department of Agriculture engaged in the activities described in the preceding paragraph and paid in whole or in part out of funds contributed as provided therein, and the persons, corporations, or associations making contributions as therein provided, shall not be subject to the proviso contained in the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, approved March 3, 1917, in Thirty-ninth Statutes at

Large, at page 1106 [5 U. S. C., sec. 66]; nor shall any official or employee engaged in the cooperative activities of the Forest Service, or the persons, corporations, or associations contributing to such activities be subject to the said proviso. (July 24, 1919, 41 Stat. 270; 5 U. S. C., sec. 564.)

**177. Transfer of lot in Forest Grove, Oregon, to Bureau of Entomology.**—That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to transfer all right, title, and interest in fractional block 6, of Naylor's addition to the city of Forest Grove, in Oregon, to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture. (Nov. 6, 1919, 41 Stat. 349.)

**178. Secretary of Agriculture to have charge of Olmstead lands.**—That the Secretary of Agriculture shall, from and after the passage of this Act, have charge of the several tracts of land in Clay and Graham Counties, North Carolina, known as the Olmstead lands, aggregating approximately thirty-two thousand four hundred and eighty-three acres, being the lands conveyed to the United States by Levi Stevens and wife on March fifteenth, eighteen hundred and sixty-nine, in compromise and settlement of an indebtedness due the United States by E. B. Olmstead. (July 6, 1912, sec. 1, 37 Stat. 189.)

**179. Lands to be subject to provisions of Act March 1, 1911, ch. 186.**—That the said lands shall be subject to such of the provisions of the Act approved March first, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page nine hundred and sixty-one) [16 U. S. C., secs. 552, 563], as apply to lands purchased thereunder. (July 6, 1912, sec. 3, 37 Stat. 189.)

**179a. Existing private rights not affected.**—That nothing herein contained shall be construed to affect in any way any private or corporate rights now existing with reference to said lands. (July 6, 1912, sec. 4, 37 Stat. 189.)

**180. Secretary of Agriculture to adjust claims to Olmstead lands.**—That the Secretary of Agriculture be, and he is hereby, authorized to adjust all claims to the so-called "Olmstead lands" in the State of North Carolina, which were placed under his administrative care by the Act of July 6, 1912 (37 Stat. 189). (June 14, 1934, sec. 1, 48 Stat. 959.)

**181. Interest of United States to be conveyed by quit claim deed.**—That for the purpose of carrying out the provisions of this Act the Secretary of Agriculture is authorized, upon a finding by him, and approved by the Attorney General, that by reason of long-continued occupancy and use thereof a party is justly entitled to any of said Olmstead lands, to convey by quitclaim deed to such party the interest of the United States therein, or to pay to such party from any appropriation which hereafter may be made to carry out the purpose of the Act of March 1, 1911 (36 Stat. 936), such sum as the Secretary of Agriculture shall find to be just compensation for the release of the claim of such party to said lands, other claims of title to said Olmstead lands found to be superior to that of the United States may be settled by the Secretary of Agriculture through allowing the removal of timber from the lands claimed in such an amount as he finds equitable and acceptable to the claimant in full satisfaction of his claim, or with the approval of the National Forest Reservation

Commission the Secretary of Agriculture may make payment in satisfaction of the claim from funds appropriated for carrying out the provisions of the said Act of March 1, 1911 (36 Stat. 936). (June 14, 1934, sec. 2, 48 Stat. 959.)

**182. Cass Lake, Minn.; acceptance of title to dam on.**—That the Secretary of Agriculture is hereby authorized to accept, on behalf of the United States, title to a dam and appurtenances thereto constructed and hitherto maintained under authority of law by the J. Neils Lumber Company at the outlet of Cass Lake in the State of Minnesota, together with the right of way for the abutment of said dam on lot 2, section 21, township 146 north, range 30 west, fifth principal meridian, and the flowage rights thereon, and to thereafter maintain or reconstruct said dam in good and serviceable condition: *Provided*, That when Lake Winibigoshish is at such a level as to hold Cass Lake at a level of two and five-tenths feet or more on the Cass Lake gauge enough of the dam shall be removed or kept open to permit the passage of boats and logs. (May 22, 1926, sec. 1, 46 Stat. 618.)

**183. Submerged lands; purchase or compensation.**—That if the maintenance of the dam by the United States as provided in section 1 hereof shall cause any lands in private ownership to be submerged and damaged the Secretary of Agriculture may, in his discretion, acquire title to said lands so submerged, by purchase under the provisions of sections 7 and 8 of the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961) [16 U. S. C., secs. 516, 517], or in lieu of such purchase may compensate the owners of said submerged lands for all damages sustained by reason of said submergence upon proper showing of proof that said damages are due exclusively to the maintenance of the dam as authorized herein. (May 22, 1926, sec. 2, 46 Stat. 618.)

**184. Appropriations.**—That to carry out the purposes of this Act there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, for expenditure during the fiscal year ending June 30, 1927, the sum of \$5,000 and annual appropriations of like sums to carry out the purposes of this Act during the ensuing years are hereby authorized. (May 22, 1926, 44 Stat. 618.)

**185. Marquette National Forest Purchase Unit; Secretary of Commerce authorized to transfer to Department of Agriculture Island Numbered 6.**—The Secretary of Commerce is authorized to transfer to the Department of Agriculture for inclusion within the Marquette National Forest Purchase Unit, Government Island Lighthouse Reservation, otherwise known as "Island Numbered 6", in the Les Cheneaux Group in the north end of Lake Huron, no longer required for lighthouse purposes, containing an area of approximately two hundred and fourteen and twenty-five one-hundredths acres; reserving a small proportion of the protected water front for construction operations of the Lighthouse Service and right to reoccupy any portion thereof for lighthouse purposes. (May 28, 1935, sec. 13, Public 81, 74th Cong.)

**186. Secretary of Commerce authorized to transfer to Secretary of Agriculture Sapelo Lighthouse Reservation.**—The Secretary of Commerce is authorized to transfer to the Secretary of Agriculture for

use of the Bureau of Biological Survey the Sapelo Lighthouse Reservation, Georgia, which is no longer required for lighthouse purposes, comprising an area of approximately one hundred and ninety-five acres with appurtenant structures thereon. (May 28, 1935, sec. 33, Public, 81, 74th Cong.)

**187. Secretary of Commerce authorized to transfer to Department of Agriculture unused portion of Hilton Head Lighthouse Reservation.**—The Secretary of Commerce is authorized to transfer to the Department of Agriculture the unused portion of the Hilton Head Lighthouse Reservation, South Carolina, excepting the light tower and rights of ingress and egress for purposes of maintaining the light in the tower. (May 28, 1935, sec. 24, Public 81, 74th Cong.)

**188. Secretary of Agriculture authorized to transfer forest reservation lands in Forrest and Perry Counties, Miss., to Mississippi or War Department.**—That if any of the lands purchased or to be purchased by the United States under the provisions of the Act approved March 1, 1911, as amended (U. S. C., title 16, secs. 513-521, inclusive; Supp. VII, title 16, secs. 513-521, inclusive), within the limits of townships 1, 2, and 3 north, ranges 9, 10, 11, 12, and 13, in Forrest and Perry Counties, State of Mississippi, are determined to be chiefly valuable and necessary for a National Guard encampment and related military purposes, the Secretary of Agriculture, with the consent and approval of the National Forest Reservation Commission established by section 4 of said Act of March 1, 1911, may, and he hereby is, authorized to convey full title to said lands to the State of Mississippi or the War Department of the United States: *Provided*, That there is paid into the Treasury of the United States, or made available by transfer on the books of said Treasury, sums of money equal to the full amounts expended by the Department of Agriculture for the purchase of said lands, and the money so paid into or transferred on the books of the Treasury shall be available for expenditure by the Secretary of Agriculture for the purchase of other lands under the provisions of said Act of March 1, 1911, as amended. (Mar. 2, 1935, Public, 16, 74th Cong.)

**189. Secretary of Agriculture authorized to use fund appropriated from duties collected under customs laws for purpose of increasing exportation and domestic consumption of agricultural products.**—There is hereby appropriated for each fiscal year beginning with the fiscal year ending June 30, 1936, an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year. Such sums shall be maintained in a separate fund and shall be used by the Secretary of Agriculture only to (1) encourage the exportation of agricultural commodities and products thereof by the payment of benefits in connection with the exportation thereof or of indemnities for losses incurred in connection with such exportation or by payments to producers in connection with the production of that part of any agricultural commodity required for domestic consumption; (2) encourage the domestic consumption of such commodities or products by diverting them, by the payment of benefits or indemnities or by other means, from the normal channels of trade and commerce; and (3) finance adjustments in the quantity planted or produced for market of agri-

cultural commodities. The amounts appropriated under this section shall be expended for such of the above-specified purposes, and at such times, in such manner, and in such amounts as the Secretary of Agriculture finds will tend to increase the exportation of agricultural commodities and products thereof, and increase the domestic consumption of agricultural commodities and products thereof: *Provided*, That no part of the funds appropriated by this section shall be expended pursuant to clause (3) hereof unless the Secretary of Agriculture determines that the expenditure of such part pursuant to clauses (1) and (2) is not necessary to effectuate the purposes of this section: *Provided further*, That no part of the funds appropriated by this section shall be used for the payment of benefits in connection with the exportation of unmanufactured cotton. (Aug. 24, 1935, sec. 32, Public 320, 74th Cong.)

#### CIVIL SERVICE COMMISSION AND CLASSIFIED CIVIL SERVICE

**190. Regulation of admissions to civil service.**—The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service. (R. S., sec. 1753; 5 U. S. C., sec. 631.)

**191. Civil Service Commission; appointment.**—That the President is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners, and said three commissioners shall constitute the United States Civil Service Commission. Said commissioners shall hold no other official place under the United States. (Jan. 16, 1883, sec. 1, 22 Stat. 403; 5 U. S. C., sec. 632.)

**192. Duties of civil service commissioners.**—That it shall be the duty of said commissioners:

**(1) Preparation of rules**

FIRST. To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect.

**(2) Provisions of rules**

SECOND. And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

**1. Competitive examinations**

First, for open, competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character,

and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

**2. Selections according to results of examinations**

Second, that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

**3. Apportionment of appointments among States, etc.; applications for examinations**

Third, appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census. Every application for an examination shall contain, among other things, a statement, under oath, setting forth his or her actual bona fide residence at the time of making the application, as well as how long he or she has been a resident of such place.

**4. Probation before absolute appointment**

Fourth, that there shall be a period of probation before any absolute appointment or employment aforesaid.

**5. Contributions for political purposes**

Fifth, that no person in the public service is for that reason under any obligations to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

**6. Political coercion**

Sixth, that no person in said service has any right to use his official authority or influence to coerce the political action of any person or body.

**7. Noncompetitive examinations in certain cases**

Seventh, there shall be noncompetitive examinations in all proper cases before the commission, when competent persons do not compete, after notice has been given of the existence of the vacancy, under such rules as may be prescribed by the commissioners as to the manner of giving notice.

**8. Notice of appointments, rejections, transfers, resignations, and removals; exceptions to be set forth with rules**

Eighth, that notice shall be given in writing by the appointing power to said commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the date thereof, and a record of the same shall be kept by said commission. And any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the commission.

**(3) Regulations for examinations and records**

THIRD. Said commission shall, subject to the rules that may be made by the President, make regulations for, and have control of,

such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same; and said commission shall keep minutes of its own proceedings.

**(4) Investigations and reports on execution of act**

**FOURTH.** Said commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners hereinafter provided for, and its own subordinates, and those in the public service, in respect to the execution of this act.

**(5) Annual reports of Commission**

**FIFTH.** Said commission shall make an annual report to the President for transmission to Congress, showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act. (Jan. 16, 1883, sec. 2, 22 Stat. 403; 5 U. S. C., sec. 633.)

**193. Personnel Classification Board abolished.**—The duties, powers, and functions of the Personnel Classification Board are hereby transferred to the Civil Service Commission; and

(a) the Personnel Classification Board, and the position of director of classification, are hereby abolished. (June 30, 1932, sec. 505, 47 Stat. 416; 5 U. S. C., sec. 633a.)

**194. Same; orders, rules, etc., continued.**—(a) All orders, determinations, rules, or regulations made or issued by the Personnel Classification Board, and in effect at the time of such transfer, shall continue in effect to the same extent as if such transfer had not been made, until modified, superseded, or repealed by the Civil Service Commission.

(b) All provisions of law relating to the Personnel Classification Board and the director of classification shall continue in force with respect to the Civil Service Commission, insofar as such provisions of law are not inconsistent with the provisions of section 505. [5 U. S. C., sec. 633a.] (June 30, 1932, sec. 507, 47 Stat. 416; 5 U. S. C., sec. 633c.)

**195. Chief examiner; secretary; employees; board of examiners.**—That said commission is authorized to employ a chief examiner, a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him. \* \* \* The commission shall have a secretary, to be appointed by the President, \* \* \*. The commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of any one so selected. Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend

before them; and where there are persons to be examined in any State or Territory, examinations shall be held therein at least twice in each year. It shall be the duty of the collector, postmaster, and other officers of the United States, at any place outside of the District of Columbia where examinations are directed by the President or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations, and in all proper ways to facilitate the same. (Jan. 16, 1883, sec. 3, 22 Stat. 404; 5 U. S. C. sec. 635.)

**196. Violation of duties by commissioners, examiners, etc.**—That any said commissioner, examiner, copyist, or messenger, or any person in the public service who shall willfully and corruptly, by himself or in cooperation with one or more other persons, defeat, deceive, or obstruct any person in respect of his or her right of examination according to any such rules or regulations, or who shall willfully, corruptly, and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or who shall willfully and corruptly make any false representations concerning the same or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed, or promoted, shall for each such offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment not less than ten days, nor more than one year, or by both such fine and imprisonment. (Jan. 16, 1883, sec. 5, 22 Stat. 405; 5 U. S. C. sec. 637.)

**197. Appointments and promotions in classified service.**—That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. But nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes [5 U. S. C., sec. 35], nor to take from the President any authority not inconsistent with this act conferred by the seventeen hundred and fifty-third section of said statutes [5 U. S. C., sec. 631]; nor shall any officer not in the executive branch of the government, or any person merely employed as a laborer or workman, be required to be classified hereunder; nor, unless by the direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination. (Jan. 16, 1883, sec. 7, 22 Stat. 406; 5 U. S. C., sec. 638.)

**198. Habitual users of intoxicants.**—That no person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment to which the provisions of this act are applicable. (Jan. 16, 1883, sec. 8, 22 Stat. 406; 5 U. S. C., sec. 640.)

**199. Members of same family.**—That whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades. (Jan. 16, 1883, sec. 9, 22 Stat. 406; 5 U. S. C., sec. 641.)

**200. Recommendations by Senators or Representatives.**—That no recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act. (Jan. 16, 1883, sec. 10, 22 Stat. 406; 5 U. S. C., sec. 642.)

**201. Applications for examination; certificate of residence.**—That hereafter every application for examination before the Civil Service Commission for appointment in the Departmental service in the District of Columbia shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, an actual and bona-fide resident of said county, and had been such resident for a period of not less than six months next preceding; but this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government. (July 11, 1890, sec. 1, 26 Stat. 235; 5 U. S. C., sec. 643.)

**202. Bureau of Efficiency.**—That hereafter the Division of Efficiency of the Civil Service Commission shall be an independent establishment and shall be known as the Bureau of Efficiency. (Feb. 28, 1916, sec. 1, 39 Stat. 15; 5 U. S. C., sec. 646.)

**203. Bureau of Efficiency; chief of bureau; reports.**—The chief of the Division of Efficiency herein provided for shall be appointed by the President, and shall report to Congress at the beginning of each regular session, through the President, the nature and progress of work undertaken by the division together with a detailed statement of expenditures showing the persons employed, their duties, and the compensation paid to each. (Mar. 4, 1915, sec. 1, 38 Stat. 1007; 5 U. S. C., sec. 647.)

**204. Efficiency ratings for classified service in executive departments.**—The Bureau of Efficiency shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by the provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the Departments and independent establishments to the Bureau of Efficiency, for record in accordance with the provisions of this section: *Provided*, That

in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped, or reduced in rank or salary. (Aug. 23, 1912, sec. 4, 37 Stat. 413, Feb. 28, 1916; 39 Stat. 15; 5 U. S. C., sec. 648.)

**205. Efficiency ratings for classified service in departments.**—The Bureau of Efficiency shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine or not more than one thousand dollars or by imprisonment for not more than one year. (Aug. 23, 1912, sec. 4, 37 Stat. 413; Feb. 28, 1916, 39 Stat. 15; 5 U. S. C., sec. 648.)

**206. Same; reports as to needs of personnel in departments.**—The Bureau of Efficiency shall investigate and report to the President, with its recommendations, as to the administrative needs of the service relating to personnel in the several executive departments and independent establishments in the District of Columbia, and report to Congress details of expenditure and of progress of work hereunder at the beginning of each regular session. (Mar. 4, 1913, sec. 1, 37 Stat. 750; Feb. 28, 1916, 39 Stat. 15; 5 U. S. C., sec. 649.)

**207. Information furnished to, by departments.**—Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the Bureau may require for the performance of the duties imposed on it by law, and shall give such representatives access to all records and papers that may be needed for that purpose. (Mar. 3, 1917, sec. 1, 39 Stat. 1081; 5 U. S. C., sec. 650.)

**208. Same; abolished.**—The Bureau of Efficiency and the office of chief of such bureau are hereby abolished; and the President is authorized to designate another officer to serve in place of the Chief of the Bureau of Efficiency on any board, commission, or other agency of which the Chief of the Bureau of Efficiency is now a member. (Mar. 3, 1933, sec. 17, 47 Stat. 1519; 5 U. S. C., sec. 651b.)

**209. Removals from classified service except for cause.**—That no person in the classified civil service of the United States shall be re-

moved therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same: \* \* \* The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with. (Aug. 24, 1912, sec. 6, 37 Stat. 555; 5 U. S. C., sec. 652.)

#### CLASSIFICATION OF CIVILIAN POSITIONS

**210. Citation of act.**—That this Act may be cited as “The Classification Act of 1923.” (Mar. 4, 1923, sec. 1, 42 Stat. 1488; 5 U. S. C., sec. 661.)

**211. Definitions.**—That the term “compensation schedules” means the schedules of positions, grades, and salaries, as contained in section 13 of this Act [5 U. S. C. sec. 673].

The term “department” means an executive department of the United States Government, a governmental establishment in the executive branch of the United States Government which is not a part of an executive department, the municipal government of the District of Columbia, the Botanic Garden, Library of Congress, Library Building and Grounds, Government Printing Office, and the Smithsonian Institution.

The term “the head of the department” means the officer or group of officers in the department who are not subordinates or responsible to any other officer of the department.

The term “board” means the Personnel Classification Board established by section 3 hereof [5 U. S. C., sec. 663].

The term “position” means a specific civilian office or employment, whether occupied or vacant, in a department other than the following: Offices or employments in the Post Service; teachers, librarians, school attendance officers, and employees of the community center department under the Board of Education of the District of Columbia; officers and members of the Metropolitan police, the fire department of the District of Columbia, and the United States park police; and the commissioned personnel of the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey.

The term “employee” means any person temporarily or permanently in a position.

The term "service" means the broadest division of related offices and employments.

The term "grade" means a subdivision of a service, including one or more positions for which approximately the same basic qualifications and compensation are prescribed, the distinction between grades being based upon differences in the importance, difficulty, responsibility, and value of the work.

The term "class" means a group of positions to be established under this Act sufficiently similar in respect to the duties and responsibilities thereof that the same requirements as to education, experience, knowledge, and ability are demanded of incumbents, the same tests of fitness are used to choose qualified appointees, and the same schedule of compensation is made to apply with equity.

The term "compensation" means any salary, wage, fee, allowance, or other emolument paid to an employee for service in a position. (Mar. 4, 1923, sec. 2, 42 Stat. 1488; 5 U. S. C., sec. 662.)

**212. Personnel Classification Board; members; chairman; details; co-operation of Civil Service Commission; rules and regulations.**—That there is hereby established an ex officio board, to be known as the Personnel Classification Board, to consist only of the Director of the Bureau of the Budget, a member of the Civil Service Commission, and the Chief of the United States Bureau of Efficiency. The Director of the Bureau of the Budget shall be chairman of the board.

Subject to the approval of the President, the heads of the departments shall detail to the board, at its request, for temporary service under its direction, officers or employees possessed of special knowledge, ability, or experience required in the classification and allocation of positions. The Civil Service Commission, the Bureau of the Budget, and the Bureau of Efficiency shall render the board such cooperation and assistance as the board may require for the performance of its duties under this Act.

The board shall make all necessary rules and regulations not inconsistent with the provisions of this Act and provide such subdivisions of the grades contained in section 13 hereof [5 U. S. C., sec. 673] and such titles and definitions as it may deem necessary according to the kind and difficulty of the work. Its regulations shall provide for ascertaining and recording the duties of positions and the qualifications required of incumbents, and it shall prepare and publish an adequate statement giving (1) the duties and responsibilities involved in the classes to be established within the several grades, illustrated where necessary by examples of typical tasks; (2) the minimum qualifications required for the satisfactory performance of such duties and tasks; and (3) the titles given to said classes. In performing the foregoing duties, the board shall follow as nearly as practicable the classification made pursuant to the Executive order of October 24, 1921. The board may from time to time designate additional classes within the several grades and may combine, divide, alter, or abolish existing classes. Department heads shall promptly report the duties and responsibilities of new positions to the board. The board shall make necessary adjustments in compensation for positions carrying maintenance and for positions requiring only part-time service. (Mar. 4, 1923, sec. 3, 42 Stat. 1489; July 3, 1930, 46 Stat. 1005; 5 U. S. C., sec. 663.)

**212. Personnel Classification Board; appropriation; temporary detail of employees of other departments.**—There is hereby authorized to be appropriated annually for salaries and expenses of the Personnel Classification Board such sums as may be necessary to enable them to carry into effect the provisions of the Classification Act of 1923 and amendments thereto: *Provided*, That nothing contained herein shall be interpreted to preclude the temporary detail to the board of officers or employees of the several departments possessed of special knowledge, ability, or experience required in the classification of positions as now authorized by law. (July 3, 1930, sec. 5, 46 Stat. 1005; 5 U. S. C., sec. 663a.)

**214. Allocation of positions to grades, by heads of departments; review by board.**—That after consultation with the board, and in accordance with a uniform procedure prescribed by it, the head of each department shall allocate all positions in his department in the District of Columbia to their appropriate grades in the compensation schedules and shall fix the rate of compensation of each employee thereunder, in accordance with the rules prescribed in section 6 herein [5 U. S. C., sec. 666]. Such allocations shall be reviewed and may be revised by the board and shall become final upon their approval by said board. Whenever an existing position or a position hereafter created by law shall not fairly and reasonably be allocable to one of the grades of the several services described in the compensation schedules, the board shall adopt for such position the range of compensation prescribed for a grade, or a class thereof, comparable therewith as to qualifications and duties.

In determining the rate of compensation which an employee shall receive, the principle of equal compensation for equal work irrespective of sex shall be followed. (Mar. 4, 1923, sec. 4, 42 Stat. 1489; 5 U. S. C., sec. 664.)

**215. Application of compensation schedules.**—That the compensation schedules shall apply only to civilian employees in the departments within the District of Columbia and shall not apply to employees in positions the duties of which are to perform or assist in apprentice, helper, or journeyman work in a recognized trade or craft and skilled and semiskilled laborers, except such as are under the direction and control of the custodian of a public building or perform work which is subordinate, incidental, or preparatory to work of a professional, scientific, or technical character. (Mar. 4, 1923, sec. 5, 42 Stat. 1489; 5 U. S. C., sec. 665.)

**216. Rules governing fixing of compensation schedules.**—That in determining the compensation to be established initially for the several employees the following rules shall govern:

1. In computing the existing compensation of an employee, any bonus which the employee receives shall be included.

2. If the employee is receiving compensation less than the minimum rate of the grade or class thereof in which his duties fall, the compensation shall be increased to that minimum rate.

3. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade at one of the rates fixed therein, no change shall be made in the existing compensation.

4. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade, but not at one of the

rates fixed therein, the compensation shall be increased to the next higher rate.

5. If the employee is not a veteran of the Civil War, or a widow of such veteran, and is receiving compensation in excess of the range of salary prescribed for the appropriate grade, the compensation shall be reduced to the rate within the grade nearest the present compensation.

6. All new appointments shall be made at the minimum rate of the appropriate grade or class thereof. (Mar. 4, 1923, sec. 6, 42 Stat. 1490; 5 U. S. C., sec. 666.)

217. Increases in compensation.—Increases in compensation shall be allowed upon the attainment and maintenance of the appropriate efficiency ratings, to the next higher rate within the salary range of the grade: *Provided, however,* That in no case shall the compensation of any employee be increased unless Congress has appropriated money from which the increase may lawfully be paid, nor shall the rate for any employee be increased beyond the maximum rate for the grade to which his position is allocated. Nothing herein contained shall be construed to prevent the promotion of an employee from one class to a vacant position in a higher class at any time in accordance with civil-service rules, and when so promoted the employee shall receive compensation according to the schedule established for the class to which he is promoted. (Mar. 4, 1923, sec. 7, 42 Stat. 1490; 5 U. S. C., sec. 667.)

218. Existing preferences in appointments not affected.—That nothing in this Act shall modify or repeal any existing preference in appointment or reduction in the service of honorably discharged soldiers, sailors, or marines under any existing law or any Executive order now in force. (Mar. 4, 1923, sec. 8, 42 Stat. 1490; 5 U. S. C., sec. 668.)

219. Efficiency ratings.—That the board shall review and may revise uniform systems of efficiency rating established or to be established for the various grades or classes thereof, which shall set forth the degree of efficiency which shall constitute ground for (a) increase in the rate of compensation for employees who have not attained the maximum rate of the class to which their positions are allocated, (b) continuance at the existing rate of compensation without increase or decrease, (c) decrease in the rate of compensation for employees who at the time are above the minimum rate for the class to which their positions are allocated, and (d) dismissal.

The head of each department shall rate in accordance with such systems the efficiency of each employee under his control or direction. The current ratings for each grade or class thereof shall be open to inspection by the representatives of the board and by the employees of the department under conditions to be determined by the board after consultation with the department heads.

Reductions in compensation and dismissals for inefficiency shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the board.

The board may require that one copy of such current ratings shall be transmitted to and kept on file with the board. (Mar. 4, 1923, sec. 9, 42 Stat. 1490; 5 U. S. C., sec. 669.)

**220. Transfer or promotion.**—That, subject to such rules and regulations as the President may from time to time prescribe, and regardless of the department or independent establishment in which the position is located, an employee may be transferred from a position in one grade to a vacant position within the same grade at the same rate of compensation, or promoted to a vacant position in a higher grade at a higher rate of compensation, in accordance with civil service rules, any provision of existing statutes to the contrary notwithstanding: *Provided*, That nothing herein shall be construed to authorize or permit the transfer of an employee of the United States to a position under the municipal government of the District of Columbia, or an employee of the municipal government of the District of Columbia to a position under the United States. (Mar. 4, 1923, sec. 10, 42 Stat. 1491; 5 U. S. C., sec. 670.)

**221. Temporary appointments not made permanent.**—That nothing contained in this Act shall be construed to make permanent any temporary appointments under existing law. (Mar. 4, 1923, sec. 11, 42 Stat. 1491; 5 U. S. C., sec. 671.)

**222. Readjustment of rates of compensation.**—That it shall be the duty of the board to make a study of the rates of compensation provided in this Act for the various services and grades with a view to any readjustment deemed by said board to be just and reasonable. Said board shall after such study and at such subsequent times as it may deem necessary, report its conclusions to Congress with any recommendations it may deem advisable. (Mar. 4, 1923, sec. 12, 42 Stat. 1491; 5 U. S. C., sec. 672.)

**223. Compensation schedules.**—That the compensation schedules be as follows:

#### PROFESSIONAL AND SCIENTIFIC SERVICE

The professional and scientific service shall include all classes of positions the duties of which are to perform routine, advisory, administrative, or research work which is based upon the established principles of a profession or science, and which requires professional, scientific, or technical training equivalent to that represented by graduation from a college or university of recognized standing.

Grade 1 in this service, which may be referred to as the junior professional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, simple and elementary work requiring professional, scientific, or technical training as herein specified but little or no experience.

The annual rates of compensation for positions in this grade shall be \$2,000, \$2,100, \$2,200, \$2,300, \$2,400, \$2,500, and \$2,600.

Grade 2 in this service, which may be referred to as the assistant professional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, individually or with a small number of subordinates, work requiring professional, scientific, or technical training as herein specified, previous experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$2,600, \$2,700, \$2,800, \$2,900, \$3,000, \$3,100, and \$3,200.

Grade 3 in this service, which may be referred to as the associate professional grade, shall include all classes of positions the duties of which are to perform, individually or with a small number of trained assistants, under general supervision but with considerable latitude for the exercise of independent judgment, responsible work requiring extended professional, scientific, or technical training and considerable previous experience.

The annual rates of compensation for positions in this grade shall be \$3,200, \$3,300, \$3,400, \$3,500, \$3,600, \$3,700, and \$3,800.

Grade 4 in this service, which may be referred to as the full professional grade, shall include all classes of positions the duties of which are to perform, under general supervision, difficult and responsible work requiring considerable professional, scientific, or technical training and experience, and the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$3,800, \$4,000, \$4,200, \$4,400, and \$4,600.

Grade 5 in this service, which may be referred to as the senior professional grade, shall include all classes of positions the duties of which are to perform, under general administrative supervision, important specialized work requiring extended professional, scientific, or technical training and experience, the exercise of independent judgment, and the assumption of responsibility for results, or for the administration of a small scientific or technical organization.

The annual rates of compensation for positions in this grade shall be \$4,600, \$4,800, \$5,000, \$5,200, and \$5,400, unless a higher rate is specifically authorized by law.

Grade 6 in this service, which may be referred to as the principal professional grade, shall include all classes of positions the duties of which are to act as assistant head of a major professional or scientific organization, or to act as administrative head of a major subdivision of such an organization, or to act as head of a small professional or scientific organization, or to serve, as consulting specialist, or independently to plan, organize, and conduct investigations in original research or development work in a professional, scientific, or technical field.

The annual rates of compensation for positions in this grade shall be \$5,600, \$5,800, \$6,000, \$6,200, and \$6,400, unless a higher rate is specifically authorized by law.

Grade 7 in this service, which may be referred to as the head professional grade, shall include all classes of positions the duties of which are to act as assistant head of one of the largest and most important professional or scientific bureaus, or to act as the scientific and administrative head of a major professional or scientific bureau, or to act as professional consultant to a department head or a commission or board dealing with professional, scientific, or technical problems, or to perform professional or scientific work of equal importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be \$6,500, \$7,000, and \$7,500, unless a higher rate is specifically authorized by law.

Grade 8 in this service, which may be referred to as the chief professional grade, shall include all classes of positions the duties of

which are to act as the administrative head of one of the largest and most important professional or scientific bureaus, or to perform professional or scientific work of equal importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be \$8,000, \$8,500, and \$9,000, unless a higher rate is specifically authorized by law.

Grade 9 in this service, which may be referred to as the special professional grade, shall include all positions which are or may be specifically authorized or appropriated for at annual rates of compensation in excess of \$9,000.

#### SUBPROFESSIONAL SERVICE

The subprofessional service shall include all classes of positions the duties of which are to perform work which is incident, subordinate, or preparatory to the work required of employees holding positions in the professional and scientific service, and which requires or involves professional, scientific, or technical training of any degree inferior to that represented by graduation from a college or university of recognized standing.

Grade 1 in this service, which may be referred to as the minor subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine work in a professional, scientific, or technical organization.

The annual rate of compensation for positions in this grade shall be \$1,020, \$1,080, \$1,140, \$1,200, \$1,260, \$1,320, and \$1,380.

Grade 2 in this service, which may be referred to as the under-subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, assigned subordinate work of a professional, scientific, or technical character, requiring limited training or experience, but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$1,260, \$1,320, \$1,380, \$1,440, \$1,500, \$1,560, and \$1,620.

Grade 3 in this service, which may be referred to as the junior subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate work of a professional, scientific, or technical character, requiring considerable training or experience, but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$1,440, \$1,500, \$1,560, \$1,620, \$1,680, \$1,740, and \$1,800.

Grade 4 in this service, which may be referred to as the assistant subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate work of a professional, scientific, or technical character, requiring considerable training or experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$1,620, \$1,680, \$1,740, \$1,800, \$1,860, \$1,920, and \$1,980.

Grade 5 in this service, which may be referred to as the main subprofessional grade, shall include all classes of positions the duties

of which are to perform, under immediate or general supervision, subordinate work of a professional, scientific, or technical character requiring a thorough knowledge of a limited field of professional, scientific, or technical work, and the exercise of independent judgment, or to supervise the work of a small number of employees performing duties of an inferior grade in the subprofessional service.

The annual rates of compensation for positions in this grade shall be \$1,800, \$1,860, \$1,920, \$1,980, \$2,040, \$2,100, and \$2,160.

Grade 6 in this service, which may be referred to as the senior subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character, requiring a thorough knowledge of a limited field of professional, scientific, or technical work, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade 5 of this service.

The annual rates of compensation for positions in this grade shall be \$2,000, \$2,100, \$2,200, \$2,300, \$2,400, \$2,500, and \$2,600.

Grade 7 in this service, which may be referred to as the principal subprofessional grade, shall include all classes of positions the duties of which are to perform, under general supervision, subordinate but responsible work of a professional, scientific, or technical character requiring a working knowledge of the principles of the profession, art, or science involved, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade 6 of this service.

The annual rates of compensation for positions in this grade shall be \$2,300, \$2,400, \$2,500, \$2,600, \$2,700, \$2,800, and \$2,900.

Grade 8 in this service, which may be referred to as the chief subprofessional grade, shall include all classes of positions the duties of which are to perform, under general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character, requiring a thorough working knowledge of the principles of the profession, art, or science involved, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade 7 of this service.

The annual rates of compensation for positions in this grade shall be \$2,600, \$2,700, \$2,800, \$2,900, \$3,000, \$3,100, and \$3,200.

#### CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE

The clerical, administrative, and fiscal service shall include all classes of positions the duties of which are to perform clerical, administrative, or accounting work, or any other work commonly associated with office, business, or fiscal administration.

Grade 1 in this service, which may be referred to as the under-clerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine office work.

The annual rates of compensation for positions in this grade shall be \$1,260, \$1,320, \$1,380, \$1,440, \$1,500, \$1,560, and \$1,620.

Grade 2 in the service, which may be referred to as the junior clerical grade, shall include all classes of positions the duties of

which are to perform, under immediate supervision, assigned office work requiring training or experience but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$1,440, \$1,500, \$1,560, \$1,620, \$1,680, \$1,740, and \$1,800.

Grade 3 in the service, which may be referred to as the assistant clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, assigned office work requiring training and experience and knowledge of a specialized subject matter or the exercise of independent judgment or to supervise a small section performing simple clerical operations.

The annual rates of compensation for positions in this grade shall be \$1,620, \$1,680, \$1,740, \$1,800, \$1,860, \$1,920, and \$1,980.

Grade 4 in this service, which may be referred to as the main clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, responsible office work requiring training and experience, the exercise of independent judgment or knowledge of a specialized subject matter, or both, and an acquaintance with office procedure and practice, or to supervise a small stenographic section or a small section performing clerical operations of corresponding difficulty.

The annual rates of compensation for positions in this grade shall be \$1,800, \$1,860, \$1,920, \$1,980, \$2,040, \$2,100, and \$2,160.

Grade 5 in this service, which may be referred to as the senior clerical grade, shall include all classes of positions the duties of which are to perform, under general supervision, difficult and responsible office work requiring considerable training and experience, the exercise of independent judgment or knowledge of a specialized subject matter, or both, and a thorough knowledge of office procedure and practice, or to supervise a large stenographic section or any large section performing simple clerical operations or to supervise a small section engaged in difficult but routine office work.

The annual rates of compensation for positions in this grade shall be \$2,000, \$2,100, \$2,200, \$2,300, \$2,400, \$2,500, and \$2,600.

Grade 6 in this service, which may be referred to as the principal clerical grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work requiring extended training and experience, the exercise of independent judgment or knowledge of a specialized and complex subject matter, or both, and a thorough knowledge of office procedure and practice, or to serve as the recognized authority or adviser in matters requiring long experience and an exceptional knowledge of the most difficult and complicated procedure or of a very difficult and complex subject, or to supervise a large or important office organization engaged in difficult or varied work.

The annual rates of compensation for positions in this grade shall be \$2,300, \$2,400, \$2,500, \$2,600, \$2,700, \$2,800, and \$2,900.

Grade 7 in this service which may be referred to as the assistant administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, responsible office work along specialized and technical lines requiring specialized train-

ing and experience and the exercise of independent judgment, or as chief clerk to supervise the general business operations of a small, independent establishment or a minor bureau or division of an executive department, or to supervise a large or important office organization engaged in difficult and specialized work.

The annual rates of compensation for positions in this grade shall be \$2,600, \$2,700, \$2,800, \$2,900, \$3,000, \$3,100, and \$3,200.

Grade 8 in this service, which may be referred to as the associate administrative grade, shall include all classes and positions the duties of which are to perform, under general supervision, difficult and responsible office work along specialized and technical lines requiring specialized training and experience and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving specialized training on the part of the employees.

The annual rates of compensation for positions in this grade shall be \$2,900, \$3,000, \$3,100, \$3,200, \$3,300, \$3,400, and \$3,500.

Grade 9 in this service, which may be referred to as the full administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work along specialized and technical lines, requiring considerable specialized training and experience and the exercise of independent judgment, or as chief clerk to supervise the general business operations of a large independent establishment or a major bureau or division of an executive department, or to supervise a large or important office organization engaged in work involving technical training on the part of the employees.

The annual rates of compensation for positions in this grade shall be \$3,200, \$3,300, \$3,400, \$3,500, \$3,600, \$3,700, and \$3,800.

Grade 10 in this service which may be referred to as the senior administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, the most difficult and responsible office work along specialized and technical lines, requiring extended training, considerable experience, and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving considerable technical training and experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be \$3,500, \$3,600, \$3,700, \$3,800, \$3,900, \$4,000, and \$4,100.

Grade 11 in this service, which may be referred to as the principal administrative grade, shall include all classes of positions the duties of which are to perform the most difficult and responsible office work along specialized and technical lines requiring extended training and experience and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving extended training and considerable experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be \$3,800, \$4,000, \$4,200, \$4,400, and \$4,600.

Grade 12 in this service, which may be referred to as the head administrative grade, shall include all classes of positions the duties of which are to perform the most difficult and responsible office work along specialized and technical lines requiring extended training and

experience, the exercise of independent judgment, and the assumption of full responsibility for results, or to supervise a large and important office organization engaged in work involving extended training and experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be \$4,600, \$4,800, \$5,000, \$5,200, and \$5,400, unless a higher rate is specifically authorized by law.

Grade 13 in this service, which may be referred to as the chief administrative grade, shall include all classes of positions the duties of which are to act as assistant head of a major bureau, or to act as administrative head of a major subdivision of such a bureau, or to act as head of a small bureau, in case professional or scientific training is not required, or to supervise the design and installation of office systems, methods, and procedures, or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be \$5,600, \$5,800, \$6,000, \$6,200, and \$6,400, unless a higher rate is specifically authorized by law.

Grade 14 in this service, which may be referred to as the executive grade, shall include all classes of positions the duties of which are to act as assistant head of one of the largest and most important bureaus, or to act as head of a major bureau, in case professional or scientific training is not required, or to supervise the design of systems of accounts for use by private corporations subject to regulation by the United States, or to act as the technical consultant to a department head or a commission or board in connection with technical or fiscal matters, or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be \$6,500, \$7,000, and \$7,500, unless a higher rate is specifically authorized by law.

Grade 15 in this service, which may be referred to as the senior executive grade, shall include all classes of positions, the duties of which are to act as the head of one of the largest and most important bureaus, in case professional or scientific training is not required, or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be \$8,000, \$8,500, and \$9,000, unless a higher rate is specifically authorized by law.

Grade 16 in this service, which may be referred to as the special executive grade, shall include all positions which are or may be specifically authorized or appropriated for at annual rates of compensation in excess of \$9,000.

#### CUSTODIAL SERVICE

The custodial service shall include all classes of positions, the duties of which are to supervise or to perform manual work involved in the custody, maintenance, and protection of public buildings, premises, and equipment, the transportation of public officers, employees, or property, and the transmission of official papers.

Grade 1 in this service, which may be referred to as the junior messenger grade, shall include all classes of positions, the duties of

which are to run errands, to check parcels, or to perform other light manual or mechanical tasks with little or no responsibility.

The annual rate of compensation for positions in this grade shall be \$600, \$660, \$720, \$780, and \$840.

Grade 2 in this service, which may be referred to as the office-laborer grade, shall include all classes of positions the duties of which are to handle desks, mail sacks, and other heavy objects, and to perform similar work ordinarily required of unskilled laborers; to operate elevators; to clean office rooms; or to perform other work of similar character.

The annual rate of compensation for positions in this grade shall be \$1,080, \$1,140, \$1,200, \$1,260, \$1,320, and \$1,380: *Provided*, That charwomen working part time be paid at the rate of 50 cents an hour and head charwomen at the rate of 55 cents an hour. Charwomen and head charwomen shall receive for each holiday (except Sunday) upon which under existing law no work is performed by them an amount equal to the amount they would receive had they performed the same number of hours of work on such holiday as the average number of hours of work performed by them during the days in the week in which such holiday occurs.

Grade 3 in this service, which may be referred to as the minor custodial grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, custodial, or manual office work with some degree of responsibility, such as guarding office or storage buildings; operating paper-cutting, canceling, envelope-opening, or envelope-sealing machines; firing and keeping up steam in boilers used for heating purposes in office buildings, cleaning boilers, and oiling machinery and related apparatus; operating passenger or freight automobiles; packing goods for shipment; supervising a large group of charwomen; running errands and doing light manual or mechanical tasks with some responsibility; carrying important documents from one office to another; or attending the door and private office of a department head or other public officer.

The annual rates of compensation for positions in this grade shall be \$1,200, \$1,260, \$1,320, \$1,380, \$1,440, and \$1,500.

Grade 4 in this service, which may be referred to as the under-custodial grade, shall include all classes of positions the duties of which are to perform, under general supervision, custodial work of a responsible character, such as supervising a small force of unskilled laborers, directly supervising a small detachment of watchmen or building guards, firing and keeping up steam in heating apparatus and operating the boilers and other equipment used for heating purposes, or performing general semimechanical new or repair work requiring some skill with hand tools.

The annual rates of compensation for positions in this grade shall be \$1,320, \$1,380, \$1,440, \$1,500, \$1,560, \$1,620, and \$1,680.

Grade 5 in this service, which may be referred to as the junior custodial grade, shall include all classes of positions the duties of which are to have general supervision over a small force of watchmen or building guards, or to have direction of a considerable detachment of such employees, to supervise the operation and maintenance of a small heating plant and its auxiliary equipment, or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be \$1,500, \$1,560, \$1,620, \$1,680, \$1,740, \$1,800, and \$1,860.

Grade 6 in this service, which may be referred to as the assistant custodial grade, shall include all classes of positions the duties of which are to assist in the supervision of large forces of watchmen and building guards, or to have general supervision over smaller forces, to supervise a large force of unskilled laborers, to repair office appliances, or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be \$1,680, \$1,740, \$1,800, \$1,860, \$1,920, \$1,980, and \$2,040.

Grade 7 in this service, which may be referred to as the main custodial grade, shall include all classes of positions the duties of which are to supervise the work of skilled mechanics; to supervise the operation and maintenance of a large heating, lighting, and power plant and all auxiliary mechanical and electrical devices and equipment; to have general supervision over large forces of watchmen and building guards; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be \$1,860, \$1,920, \$1,980, \$2,040, \$2,100, \$2,200, and \$2,300.

Grade 8 in this service, which may be referred to as the senior custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a small building, or to assist in the direction of such employees when engaged in similar duties in a large building, or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be \$2,000, \$2,100, \$2,200, \$2,300, \$2,400, \$2,500, and \$2,600.

Grade 9 in this service, which may be referred to as the principal custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a large building, or to assist in the direction of such employees when engaged in similar duties in a group of buildings; or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be \$2,300, \$2,400, \$2,500, \$2,600, \$2,700, \$2,800, and \$2,900.

Grade 10 in this service, which may be referred to as the chief custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a group of buildings, or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be \$2,600, \$2,700, \$2,800, \$2,900, \$3,000, \$3,100, and \$3,200.

#### CLERICAL-MECHANICAL SERVICE

The clerical-mechanical service shall include all classes of positions which are not in a recognized trade or craft and which are

located in the Bureau of Engraving and Printing, the mail equipment shop, the duties of which are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations.

Grade 1 shall include all classes of positions in this service the duties of which are to perform the simplest operations or processes requiring special skill and experience.

The rates of compensation for classes of positions in this grade shall be 55 to 60 cents an hour.

Grade 2 shall include all classes of positions in this service the duties of which are to operate simple machines or to perform operations or processes requiring a higher degree of skill than those in grade 1.

The rates of compensation for classes of positions in this grade shall be 65 to 70 cents an hour.

Grade 3 shall include all classes of positions in this service the duties of which are to operate machines or to perform operations or processes requiring the highest degree of skill, or supervise a small number of subordinates.

The rates of compensation for classes of positions in this grade shall be 75 to 80 cents an hour.

Grade 4 shall include all classes of positions in this service the duties of which are to perform supervisory work over a large unit of subordinates.

The rates of compensation for classes of positions in this grade shall be 85 to 95 cents an hour.

The heads of the several executive departments and independent establishments of the Government whose duty it is to carry into effect the provisions of this Act are hereby directed to so administer the same that employees whose positions are in the grades affected hereby, who were in said positions on June 30, 1928, and who, under the Act of May 28, 1928 (U. S. C., Supp. 3, title 5, sec. 673), did not receive an increase in salary the equivalent of two steps or salary rates in their respective grades shall be given such additional step or steps or salary rate or rates, within the grade, as may be necessary to equal such increase: *Provided*, That nothing herein shall prevent or operate to revoke the promotion or allocation for an employee to a higher salary rate or grade: *Provided further*, That nothing contained in this Act shall operate to decrease the pay of any present employee, nor deprive any employee of any advancement authorized by law and for which funds are available.

Whenever in any case the basic qualifications of any already existing grade or subdivision of a service are by this Act made the basic qualifications of a higher grade or subdivision, the positions of all employees in said existing grade or subdivision are by this Act advanced to said higher grade or subdivision of a service. (Mar. 4, 1923, sec. 13, 42 Stat. 1491; June 7, 1924, 43 Stat. 669; May 28, 1928, sec. 1, 45 Stat. 776; July 3, 1930, sec. 1, 46 Stat. 1003; Aug. 23, 1935, Public 308, 74th Cong.; 5 U. S. C., sec. 673.)

**224. Personnel Classification Board; ascertainment of facts; review of allocations; change of allocation.**—The Personnel Classification Board shall have authority to ascertain currently the facts as to the duties

and responsibilities of any such position and to review and, subject to the President's approval, to change the allocation thereof whenever, in its opinion, the facts warrant: *Provided*, That such review and change shall be made only after consultation with the heads of the departments concerned and after affording all incumbents of positions affected an opportunity to be heard, of which hearing a permanent written record shall be made and kept, including all testimony taken: *Provided further*, That in all cases where the board shall change the allocation of a position to a lower grade the rate of pay fixed for such position prior to such change may be continued so long as the position is held by the incumbent then occupying it. (July 3, 1930, sec. 4, 46 Stat. 1005; 5 U. S. C., sec. 673b.)

**225. Estimates of expenditures and appropriations in Budget to conform to classifications; rates of compensation.**—That the estimates of the expenditures and appropriations set forth in the Budget to be transmitted by the President to Congress on the first day of the next ensuing regular session shall conform to the classification herein provided, and that the rates of salary in the compensation schedules shall not become effective until the first day of the fiscal year estimated for in such Budget. (Mar. 4, 1923, sec. 14, 42 Stat. 1499; 5 U. S. C., sec. 674.)

**226. Salaries of persons in field service; payment.**—Those civilian positions in the field services under the several executive departments and independent establishments, the compensation of which was fixed or limited by law but adjusted for the fiscal year 1925 under the authority and appropriations contained in the Act entitled "An Act making additional appropriations for the fiscal year ending June 30, 1925, to enable the heads of the several executive departments and independent establishments to adjust the rates of compensation of civilian employees in certain of the field services", approved December 6, 1924, may be paid under the applicable appropriations for the fiscal year 1929 and thereafter at rates not in excess of those permitted for them under the provisions of such Act of December 6, 1924. (Mar. 5, 1928, sec. 2, 45 Stat. 193; 5 U. S. C., sec. 677.)

**227. Same; adjustment by heads of executive departments and independent establishments.**—The heads of the several executive departments and independent establishments are authorized to adjust the compensation of certain civilian positions in the field services, the compensation of which was adjusted by the Act of December 6, 1924, to correspond, so far as may be practicable, to the rates established by this Act for positions in the departmental services in the District of Columbia.

*Provided*, That in all cases where, since December 6, 1924, in such adjustment the position occupied by an employee has been or shall be allocated to a grade with a maximum salary below the salary received by the incumbent, the rate of pay fixed for such position prior to such allocation may be paid after the date of the enactment of this Act [June 16, 1933] so long as the position is held by the incumbent occupying it at the time of such allocation and the Comptroller General of the United States is authorized and directed to allow credit in disbursing officers' accounts for all payments heretofore made at such higher rates. (May 28, 1928, sec. 3, 45 Stat. 785; June 16, 1933, sec. 17, 48 Stat. 308; 5 U. S. C., sec. 678.)

**227a. Classified Civil Service construed.**—That in the administration of the Civil Service Retirement Act approved May 22, 1920, the expression "all employees in the classified civil service of the United States", as used in section 1 thereof shall be construed to include all persons who have been heretofore or who may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under the civil-service rules promulgated by the President, or by Executive orders covering groups of employees with their positions into the competitive classified service or authorizing the appointment of individuals to positions within such service.

The expression "Classified civil service", as the same occurs in other Acts of Congress, shall receive a like construction to that herein given. (Mar. 27, 1922, 42 Stat. 470; 5 U. S. C., sec. 679.)

#### RETIREMENT OF CIVIL SERVICE EMPLOYEES

**228. Eligibility for superannuation retirement.**—All employees to whom this Act applies who, before its effective date, shall have attained or shall thereafter attain the age of seventy years and rendered at least fifteen years of service computed as prescribed in section 5 of this act [5 U. S. C., sec. 707] shall be eligible for retirement on an annuity as provided in section 4 [5 U. S. C., sec. 698] hereof: *Provided*, That city, rural, and village letter carriers, post-office clerks, sea-post clerks, employees of the Indian Service at large excepting clerks, laborers, and mechanics generally shall, under like conditions, be eligible for retirement at sixty-five years of age and that railway postal clerks, mechanics and laborers in navy yards including leading men and quartermen but excluding master mechanics and foremen, and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and those employees whose terms of service shall include fifteen years or more of such service rendered in the Tropics, shall be eligible at sixty-two years of age; the classification of employees for the purpose of assignment to the various age groups shall be determined jointly by the Civil Service Commission and the head of the department, branch, or independent office of the Government concerned: *Provided further*, That any such employee who was employed as a mechanic for the major portion of his service, and not less than fifteen years, and was subsequent to August 20, 1920, involuntarily transferred to employment as a laborer and thereafter involuntarily discharged from the service of the United States, shall receive such annuity as he would have been entitled to, if on the day of his discharge from the service he had been retired under the provisions of this Act: *Provided further*, That any mechanic, having served thirty years, who was, through no fault of his own, transferred or reduced to a minor position, and who shall have attained, or who shall thereafter attain the age of sixty-two years, shall have his annuity computed upon his average annual basic salary, pay, or compensation for the last ten years of his service as a mechanic: *Provided further*, That the term "mechanics", as used in this Act, shall include all employees in the Government Printing Office whose duties are to supervise, perform, or assist in apprentice, helper, or

journeyman work of a recognized trade or craft, as determined by the Public Printer.

All employees to whom this Act applies, who would be eligible for retirement from the service upon attaining the age of seventy years, sixty-five years, or sixty-two years, as the case may be, shall, after attaining the age of sixty-eight years, sixty-three years, and sixty years, respectively, and having rendered at least thirty years' service, computed as provided in section 5 of this Act [5 U. S. C., sec. 707], be eligible for retirement on an annuity as provided in section 4 of this Act [5 U. S. C., sec. 698]. Retirement under the provisions of this paragraph shall be at the option of the employee; but if such option is not exercised prior to the date upon which the employee would otherwise be eligible for retirement from the service, the provisions of this Act with respect to automatic separation from the service shall apply. (May 22, 1920, sec. 1, 41 Stat. 614; July 3, 1926, sec. 1, 44 Stat. 904; May 29, 1930, sec. 1, 46 Stat. 468; 5 U. S. C., sec. 691a.)

**229. Automatic separation.**—All employees to whom this Act applies shall, on arriving at retirement age as defined in the preceding section, and having rendered fifteen years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government concerned to notify such employees under his direction of the date of such separation from the service at least sixty days in advance thereof.

No person separated from the service who is receiving an annuity under the provisions of section 1 of this Act shall be employed again in any position within the purview of this Act. (May 22, 1920, sec. 6, 41 Stat. 617; July 3, 1926, sec. 2, 44 Stat. 905; Mar. 3, 1927, sec. 1, 44 Stat. 1380; Feb. 20, 1929, 45 Stat. 1248; May 29, 1930, sec. 2, 46 Stat. 469; 5 U. S. C., sec. 715.)

**230. Automatic separation; reappointment.**—On and after July 1, 1932, no person rendering civilian service in any branch or service of the United States Government or the municipal government of the District of Columbia who shall have reached the retirement age prescribed for automatic separation from the service, applicable to such person, shall be continued in such service, notwithstanding any provision of law or regulation to the contrary: *Provided*, That the President may, by Executive Order, exempt from the provisions of this section any person when, in his judgment, the public interest so requires: *Provided further*, That no such person heretofore or hereafter separated from the service of the United States or the District of Columbia under any provision of law or regulation providing for such retirement on account of age shall be eligible again to appointment to any appointive office, position, or employment under the United States or the District of Columbia: *Provided further*, That this section shall not apply to any person named in any Act of Congress providing for the continuance of such person in the service. (June 30, 1932; sec. 204, 47 Stat. 404; 5 U. S. C., sec. 715a.)

**231. Automatic separation; retirement of certain persons continued in service by executive order.**—All officers and employees of the United

States Government or of the government of the District of Columbia who had reached the retirement age prescribed for automatic separation from the service on or before July 1, 1932, and who were continued in active service for a period of less than thirty days after June 30, 1932, pursuant to an Executive order issued under authority of section 204 of Part II of the Legislative Appropriation Act, fiscal year 1933 [5 U. S. C., sec. 715a], shall be regarded as having been retired and entitled to annuity beginning with the day following the date of separation from active service, instead of from August 1, 1932, and the Civil Service Commission is hereby authorized and directed to make payments accordingly from the civil service retirement and disability fund. (Mar. 3, 1933, sec. 8, 47 Stat. 1515; Apr. 7, 1933, Executive Order 6670; 5 U. S. C., sec. 715b.)

**232. Involuntary separation.**—Whenever at any time hereafter prior to July 1, 1935, any employee of the United States or the District of Columbia to whom the Civil Service Retirement Act, approved May 29, 1930, applies, who has an aggregate period of service of at least thirty years computed as prescribed in section 5 of such Act [5 U. S. C., sec. 707], is involuntarily separated from the service for reasons other than his misconduct, such employee shall be entitled to an annuity computed as provided in section 4 of such Act [5 U. S. C., sec. 698], payable from the civil service retirement and disability fund less a sum equal to  $3\frac{1}{2}$  per centum of such annuity: *Provided*, That when an annuitant hereunder attains the age which would have been the retirement age prescribed for automatic separation from the service applicable to such annuitant had he continued in the service to such retirement age, such deduction from the annuity shall cease. If and when any such annuitant shall be reemployed in the service of the District of Columbia or the United States (including any corporation the majority of the stock of which is owned by the United States), the right to the annuity provided by this section shall cease and the subsequent annuity rights of such persons shall be determined in accordance with the applicable provisions of retirement law existing at the time of the subsequent separation of such person from the service. (June 16, 1933, sec. 8a, 48 Stat. 305; 5 U. S. C., sec. 692d.)

**233. Employees included.**—This Act [5 U. S. C., secs 691a-708a] shall apply to the following employees and groups of employees:

(a) All employees in the classified civil service of the United States, including all persons who have been heretofore or may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under civil service rules promulgated by the President, or by Executive orders covering into the competitive classified service groups of employees with their positions or authorizing the appointment of individuals to positions within such service.

(b) Superintendents of United States national cemeteries, and such employees of the offices of solicitors of the several executive departments, of the Architect of the Capitol, of the Library of Congress, of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, of the United States Soldiers' Home, of the National Home for Disabled Volunteer

Soldiers, of the State Department without the continental limits of the United States who are United States citizens and not within the Foreign Service as defined in the Act of May 24, 1924, and amendments thereof, and of the Indian Service at large whose tenure of employment is not intermittent nor of uncertain duration.

(c) All employees of the Panama Canal on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration.

(d) Unclassified employees of the United States in all cities and in all establishments or offices in which appointments are made under labor regulations approved by the President, or from subclerical or other registers for the classified service; and unclassified employees transferred from classified positions: *Provided*, That these groups shall include only those employees whose tenure of employment is not intermittent nor of uncertain duration.

(e) All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners or by other competent authority, including those employees receiving per diem compensation paid out of general appropriations and including public-school employees, excepting school officers and teachers.

(f) All employees and groups of employees to whom the benefits of the Act of May 22, 1920, and amendments thereof, shall have been extended by Executive orders.

(g) Postmasters of the first, second, and third class who have been promoted, appointed, or transferred from the classified civil service.

This Act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the Act of June 20, 1918, entitled "An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes", nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to postmasters excepting those specifically described in paragraph (g) of this section, nor to such employees or groups of employees as may have been before the effective date of this Act excluded by Executive orders from the benefits of the Act of May 22, 1920, and amendments thereof.

The provisions of this Act may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this Act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration: *Provided*, That the provisions of this Act shall apply to anyone who entered the United States mail service as a rural carrier before January 1, 1897, and who continued in the service as such carrier continuously for twenty years or more, and who was honorably separated from the service. Such carrier shall be paid such compensation under this Act as his length of service entitles him to receive. (May 22, 1920, sec. 1, 41 Stat. 614; July 3, 1926, sec. 3, 44 Stat. 905; May 29, 1930, sec. 3, 46 Stat. 470; 5 U. S. C., sec. 693.)

**234. Method of computing annuities.**—The annuity of an employee retired under the provisions of the preceding sections of this Act shall be a life annuity, terminable upon the death of the annuitant, and shall be composed of: (1) A sum equal to \$30 for each year of service not exceeding thirty: *Provided*, That such portion of the annuity shall not exceed three-fourths of the average annual basic salary, pay, or compensation received by the employee during any five consecutive years of allowable service at the option of the employee; and (2) the amount of annuity purchasable with the sum to the credit of the employee's individual account as provided in section 12 (a) hereof [5 U. S. C., sec. 724], together with interest at 4 per centum per annum compounded on June 30 of each year, according to the experience of the civil-service retirement and disability fund as may from time to time be set forth in tables of annuity values by the Board of Actuaries: *Provided*, That the total annuity paid shall in no case be less than an amount equal to the average annual basic salary, pay, or compensation, not to exceed \$1,600 per annum, received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of service, not exceeding thirty years, and divided by forty: *And provided further*, That any employee at the time of his retirement may elect to receive, in lieu of the life annuity herein described, an increased annuity of equivalent value which shall carry with it a proviso that no unexpended part of the principal upon the annuitant's death shall be returned. For the purposes of this Act all periods of service shall be computed in accordance with section 5 hereof [5 U. S. C., sec. 707], and the annuity shall be fixed at the nearest multiple of twelve.

The term "basic salary, pay, or compensation", wherever used in this Act, shall be so construed as to exclude from the operation of the Act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation. (May 22, 1920, sec. 2, 41 Stat. 614; July 3, 1926, sec. 4, 44 Stat. 907; May 29, 1930, sec. 4, 46 Stat. 471; 5 U. S. C., secs. 698, 706.)

**235. Computation of accredited service.**—Subject to the provisions of section 9 hereof [5 U. S. C., sec. 736b], the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this Act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, or in the service of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices, or the legislative branch of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the War Risk Insurance Act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this Act shall be so construed as to affect in any manner his or her right to a

pension, or to retired pay, or to compensation under the War Risk Insurance Act in addition to the annuity herein provided.

In computing length of service for the purposes of this Act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, except such leaves of absence granted employees while receiving benefits under the United States Employees' Compensation Act, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated. (May 22, 1920, sec. 3, 41 Stat. 615; July 3, 1926, sec. 5, 44 Stat. 907; May 29, 1930, sec. 5, 46 Stat. 472; 5 U. S. C., sec. 707.)

**236. Disability retirement—medical examinations required.**—Any employee to whom this Act applies who shall have served for a total period of not less than five years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4 hereof [5 U. S. C., sec. 698]: *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter: *Provided*, That any employee who heretofore has failed to file an application for retirement within six months after separation from the service, may file such application within three months after the effective date of this Act. No employee shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Civil Service Commission for that purpose, and found to be disabled in the degree and in the manner specified herein.

Every annuitant retired under the provisions of this section, unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1 hereof [5 U. S. C., sec. 691], be examined under the direction of the Civil Service Commission by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Civil Service Commission for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which

would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding ninety days from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Civil Service Commission may order or direct at any time such medical or other examination as it shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the amount credited to his individual account as provided in section 12 (a) hereof [5 U. S. C., sec. 724], together with interest at 4 per centum per annum compounded on June 30 of each year, the difference, unless he shall become reemployed in a position within the purview of this Act, shall be paid to the retired employee, as provided in section 12 (b) hereof [5 U. S. C., sec. 724b], upon application therefor in such form and manner as the Civil Service Commission may direct. In case of reemployment in a position within the purview of this Act the amount so refunded shall be redeposited as provided in section 12 (b) hereof [5 U. S. C., sec. 724b].

No person shall be entitled to receive an annuity under the provisions of this Act, and compensation under the provisions of the Act of September 7, 1916, entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes" [5 U. S. C., ch. 15], covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period of time.

Fees for examinations made under the provisions of this section, by physicians or surgeons who are not medical officers of the United States, shall be fixed by the Civil Service Commission, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this Act. (July 3, 1926, sec. 6, 44 Stat. 907; May 29, 1930, sec. 6, 46 Stat. 472; Apr. 7, 1933, Executive Order 6670; 5 U. S. C., secs. 710, 711, 712, 713, 714.)

**237. Involuntary separation from the service.**—Should any employee fifty-five years of age or over to whom this Act applies, after having served for a total period of not less than fifteen years and before becoming eligible for retirement under the conditions defined in section 1 hereof [5 U. S. C., sec. 691], become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid as he or she may elect, either—

- (a) The total amount of his deductions with interest thereon; or
- (b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a

deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement computed as provided in section 4 of this Act [5 U. S. C., sec. 698]; or

(c) A deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement, computed as provided in section 4 of this Act. The right to such deferred annuity shall be evidenced by a proper certificate issued under the seal of the Civil Service Commission.

Any employee who has served for a period of not less than fifteen years, and who is forty-five years of age, or over, and less than fifty-five years, and who becomes separated from the service under the conditions set forth in this section shall be entitled to a deferred annuity, but such employee may, upon reaching the age of fifty-five years, elect to receive an immediate annuity as provided in paragraph (b) of this section.

Should an annuitant under the provisions of this section be re-employed in a position included in the provisions of this Act or in any other position in the Government service, the annuity shall cease, and all rights and benefits under the provisions of this section shall terminate from and after the date of such employment.

This section shall include former employees within the provisions of the Act of May 22, 1920, or said Act as amended or as extended by Executive orders, who may have been separated from the service subsequent to August 20, 1920, under the conditions defined in this section: *Provided*, That in the case of an employee who has received a refund from the "civil-service retirement and disability fund", such employee shall be required to return the amount so received with interest compounded on June 30 of each year at the rate of 4 per centum per annum before he shall be entitled to the benefits of this section. (July 3, 1926, sec. 7, 44 Stat. 909; May 29, 1930, sec. 7, 46 Stat. 474; Apr. 7, 1933, Executive Order 6670; 5 U. S. C., secs. 733, 735, 736.)

**238. Benefits extended to those already retired.**—In the case of those who before the effective date of this Act shall have been retired on annuity under the provisions of the Act of May 22, 1920, or said Act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this Act, but this Act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date. (July 3, 1926, sec. 8, 44 Stat. 909; May 29, 1930, sec. 8, 46 Stat. 475; 5 U. S. C., sec. 736c.)

**239. Credit for past service.**—Beginning with the effective date of this Act, all employees who may be brought then or thereafter within the purview of the Act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the "civil-service retirement and disability fund" a sum equal to  $2\frac{1}{2}$  per centum of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to July 1, 1926, and also  $3\frac{1}{2}$  per centum of the basic salary, pay, or compensation for services rendered from and after July 1, 1926, together with interest computed at the rate of 4 per centum per annum compounded on June

30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. All employees who may hereafter be brought within the purview of this Act may elect to make such deposits in installments during the continuance of their service in such amounts and under such conditions as may be determined in each instance by the Civil Service Commission. The amount so deposited, less \$1 for each month, or major fraction thereof, of service after the effective date of this Act, shall be credited to the employee's individual account, as provided in section 12 (a) hereof [5 U. S. C., sec. 724a]. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved: *Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to August 1, 1920, to which he or she would otherwise be entitled. (July 3, 1926, sec. 9, 44 Stat. 910; May 29, 1930, sec. 9, 46 Stat. 475; Apr. 7, 1933, Executive Order 6670; 5 U. S. C., sec. 736b.)

240. Deductions and donations.—Beginning as of July 1, 1926, there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this Act applies a sum equal to  $3\frac{1}{2}$  per centum of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the "civil-service retirement and disability fund" created by the Act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this Act.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this Act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, deposit, and invest for the purposes of this Act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this Act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this Act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this Act applies. (May 22, 1920, secs. 8, 9, 41 Stat. 618; July 3, 1926, sec. 10, 44 Stat. 910; May 29, 1930, sec. 10, 46 Stat. 475; 5 U. S. C., secs. 719, 721, 722.)

241. Investment and accounts.—The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm-loan bonds, such portions of the "civil-

service retirement and disability fund " as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 12 [5 U. S. C., sec. 724] of this Act. (May 22, 1920, sec. 8, 41 Stat. 618; July 3, 1926, sec. 11, 44 Stat. 910; May 29, 1930, sec. 11, 46 Stat. 476; 5 U. S. C., sec. 720.)

242. Returns of amounts deducted from salaries.—(a) Under such regulations as may be prescribed by the Civil Service Commission the amounts deducted and withheld from the basic salary, pay, or compensation of each employee for credit to the "civil-service retirement and disability fund" created by the Act of May 22, 1920 [5 U. S. C., ch. 14], covering service during the period from August 1, 1920, to the effective date of this Act, shall be credited to an individual account of such employee, to be maintained by the department or office by which he is employed and the amounts deducted and withheld from the basic salary, pay, or compensation of each employee for credit to the "civil-service retirement and disability fund" covering service from and after the effective date of this Act, less the sum of \$1 per month or major fraction thereof, shall similarly be credited to such individual account.

(b) In the case of any employee to whom this Act applies who shall be transferred to a position not within the purview of the Act or who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the amount credited to his individual account shall be returned to such employee together with interest at 4 per centum per annum compounded on June 30 of each year: *Provided*, That when any employee becomes involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, the total amount of his deductions with interest thereon shall be paid to such employee: *And provided further*, That all money so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this Act, be redeposited with interest before such employee may derive any benefits under this Act, except as provided in this section, but interest shall not be required covering any period of separation from the service.

(c) In case an annuitant shall die without having received in annuities purchased by the employee's contributions as provided in (2) of section 4 of this Act [5 U. S. C., sec. 698] an amount equal to the total amount to his credit at time of retirement, the amount remaining to his credit and any accrued annuity shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

First, to the beneficiary or beneficiaries designated in writing by such annuitant and recorded on his individual account;

Second, if there be no such beneficiary, to the duly appointed executor or administrator of the estate of such annuitant;

Third, if there be no such beneficiary or executor or administrator, payment may be made, after the expiration of thirty days from the date of the death of the annuitant, to such person or persons as may appear in the judgment of the Civil Service Com-

mission to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

In the case of an annuitant who has elected to receive an increased annuity as provided in section 4 of this Act [5 U. S. C., sec. 698], the amount to be paid under the provisions of this subsection shall be only the accrued annuity.

(d) In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of his deductions with interest thereon shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

First, to the beneficiary or beneficiaries designated in writing by such employee and recorded on his individual account;

Second, if there be no such beneficiary, to the duly appointed executor or administrator of the estate of such employee;

Third, if there be no such beneficiary or executor or administrator, payment may be made, after the expiration of thirty days from the date of the death of the employee, to such person or persons as may appear in the judgment of the Civil Service Commission to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

(e) In case a former employee entitled to the return of the amount credited to his individual account shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such former employee. If the amount of refund due such former employee does not exceed \$1,000, and if there has been no demand upon the Civil Service Commission by a duly appointed guardian or committee, payment may be made, after the expiration of thirty days from date of separation from the service, to such person or persons, in the discretion of the Commission, who may have the care and custody of such former employee, and such payment shall be a bar to recovery by any other person.

(f) Each employee or annuitant to whom this Act applies may, under regulations prescribed by the Civil Service Commission, designate a beneficiary or beneficiaries to whom shall be paid, upon the death of the employee or annuitant any sum remaining to his credit (including any accrued annuity) under the provisions of this Act. (May 22, 1920, sec. 11, 41 Stat. 619; Feb. 14, 1922, sec. 1, 42 Stat. 364; May 27, 1924, 43 Stat. 176; July 3, 1926, sec. 12, 44 Stat. 911; May 29, 1930, sec. 12, 46 Stat. 476; July 3, 1930, sec. 2, 46 Stat. 1017; Apr. 7, 1933, Executive Order 6670; June 22, 1934, secs. 1-4, 48 Stat. 1201; 5 U. S. C., sec. 724.)

**243. Payment of annuities and form of application.**—Annuities granted under the terms of this Act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Civil Service Commission in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

Applications for annuity shall be in such form as the Civil Service Commission may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Civil Service Commission shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Civil Service Commission.

Annuities granted under this Act for retirement under the provisions of section 1 of this Act [5 U. S. C., sec. 691] shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of sections 6 and 7 hereof [5 U. S. C., secs. 710, 711, 712, 713, 714, 733, 735, 736] shall be subject to the limitations specified in said sections (July 3, 1926, sec. 13, 44 Stat. 912; May 29, 1930, sec. 13, 46 Stat. 476; Apr. 7, 1933, Executive Order 6670; 5 U. S. C., secs. 725, 716, 718.)

**244. Credit for services beyond purview of act.**—Employees who have gone from employment within the purview of this Act to other employment under the Government and have returned to a position under the purview of this Act shall have the time of such other service included in the computation for his retirement: *Provided*, That such employee shall contribute to the retirement fund upon reentering such employment within the purview of this Act an amount, including interest, equivalent to that which would have been paid if such employee had continued in such employment. (May 22, 1920, sec. 10, 41 Stat. 618; July 3, 1926, sec. 14, 44 Stat. 912; May 29, 1930, sec. 14, 46 Stat. 476; 5 U. S. C., sec. 723.)

**245. Duties of the Civil Service Commission.**—The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this Act; and shall prepare and keep all needful tables and records required for carrying out the provisions of this Act, including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this Act. (May 22, 1920, sec. 13, 41 Stat. 619; Feb. 14, 1922, sec. 2, 42 Stat. 365; July 3, 1926, sec. 15, 44 Stat. 912; May 29, 1930, sec. 15, 46 Stat. 478; July 3, 1930, sec. 2, 46 Stat. 1016; 5 U. S. C., sec. 727.)

**246. Board of actuaries.**—The Civil Service Commission is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the Board of Actuaries, whose duty it shall be to annually report upon the actual operations of this Act, with authority to recommend to the Civil Service Commission such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the "civil-service retirement and disability fund" at intervals of five years, or oftener if deemed necessary by the Civil Service Commission; they shall also

prepare such tables as may be required by the Civil Service Commission for the purpose of computing annuities under this Act. The compensation of the members of the Board of Actuaries, exclusive of the Government actuary, shall be fixed by the Civil Service Commission. (May 22, 1920, sec. 16, 41 Stat. 620; July 3, 1926, sec. 16, 44 Stat. 912; May 29, 1930, sec. 16, 46 Stat. 478; Apr. 27, 1933, Executive Order 6670; 5 U. S. C., sec. 731.)

**247. Administration.**—For the purpose of administration, except as otherwise provided herein, the Civil Service Commission be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect. (May 22, 1920, sec. 4, 41 Stat. 616; July 3, 1926, sec. 17, 44 Stat. 913; May 29, 1930, sec. 17, 46 Stat. 478; July 3, 1930, sec. 2, 46 Stat. 1016; Apr. 7, 1933; Executive Order 6670; 5 U. S. C., sec. 709.)

**248. Same.**—The Civil Service Commission shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and it shall transmit to Congress the reports and recommendations of the Board of Actuaries. (May 22, 1920, sec. 13, 41 Stat. 620; Feb. 14, 1922, sec. 2, 42 Stat. 365; July 3, 1926, sec. 17, 44 Stat. 913; May 29, 1930, sec. 17, 46 Stat. 478; July 3, 1930, sec. 2, 46 Stat. 1016; Apr. 7, 1933, Executive Order 6670; 5 U. S. C., sec. 728.)

**249. Exemption from execution, and so forth.**—None of the moneys mentioned in this Act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process. (May 22, 1920, sec. 14, 41 Stat. 620; July 3, 1926, sec. 18, 44 Stat. 913; May 29, 1930, sec. 18, 46 Stat. 479; 5 U. S. C., sec. 729.)

**250. Services rendered subsequent to June 30, 1930, credited in computing pay accruing subsequent to June 30, 1935.**—That notwithstanding the suspension during the fiscal years 1933, 1934, and 1935 of the longevity increases provided for in the tenth paragraph of section 1 of the Pay Adjustment Act of 1922, the personnel (active or retired) so affected shall be credited with service rendered subsequently to June 30, 1932, in computing their active or retired pay accruing subsequently to June 30, 1935: *Provided*, That this section shall not be construed as authorizing the payment of back longevity pay for the fiscal years 1933, 1934, and 1935 which would have been paid during such years but for the suspension aforesaid. (June 13, 1935, Public 133, 74th Cong.)

#### COMPENSATION FOR INJURIES TO EMPLOYEES OF UNITED STATES

**251. Disability or death of employee; willful misconduct.**—That the United States shall pay compensation as hereafter specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication

of the injured employee is the proximate cause of the injury or death. (Sept. 7, 1916, sec. 1, 39 Stat. 742; 5 U. S. C., sec. 751.)

252. Time of accrual of right.—That during the first three days of disability the employee shall not be entitled to compensation except as provided in section nine [5 U. S. C., sec. 759]. No compensation shall at any time be paid for such period. (Sept. 7, 1916, sec. 2, 39 Stat. 743; 5 U. S. C., sec. 752.)

253. Total disability.—That if the disability is total the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of his monthly pay, except as hereinafter provided. (Sept. 7, 1916, sec. 3, 39 Stat. 743; 5 U. S. C., sec. 753.)

254. Partial disability.—That if the disability is partial the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of such partial disability. The commission may, from time to time, require a partially disabled employee to make an affidavit as to the wages which he is then receiving. In such affidavit the employee shall include a statement of the value of housing, board, lodging, and other advantages which are received from the employer as a part of his remuneration and which can be estimated in money. If the employee, when required, fails to make such affidavit, he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to him. (Sept. 7, 1916, sec. 4, 39 Stat. 743; 5 U. S. C., sec. 754.)

255. Same; employee to seek other employment.—That if a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for him, he shall not be entitled to any compensation. (Sept. 7, 1916, sec. 5, 39 Stat. 743; 5 U. S. C., sec. 755.)

256. Monthly compensation for total and for partial disability; increase on basis of expectancy of earning capacity; decrease on account of old age.—That the monthly compensation for total disability shall not be more than \$116.66, nor less than \$58.33, unless the employee's monthly pay is less than \$58.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than \$116.66. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity. (Sept. 7, 1916, sec. 6, 39 Stat. 743; Feb. 12, 1927, sec. 1, 44 Stat. 1086; 5 U. S. C., sec. 756.)

257. Person receiving compensation not to receive other pay for services to Government.—That as long as the employee is in receipt of compensation under this Act [5 U. S. C., ch. 15], or, if he has been paid

a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States. (Sept. 7, 1916, sec. 7, 39 Stat. 743; 5 U. S. C., sec. 757.)

**258. Employee having leave to his credit.**—That if at the time the disability begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall begin on the fourth day of disability after the annual or sick leave has ceased. (Sept. 7, 1916, sec. 8, 39 Stat. 743; 5 U. S. C., sec. 758.)

**259. Medical, surgical, and hospital service; transportation expenses.**—That for any injury sustained by an employee while in the performance of duty, whether or not disability has arisen, the United States shall furnish to the employee all services, appliances, and supplies prescribed or recommended by duly qualified physicians which, in the opinion of the commission, are likely to cure or to give relief or to reduce the degree or the period of disability or to aid in lessening the amount of the monthly compensation. Such services, appliances, and supplies shall be furnished by or upon the order of United States medical officers and hospitals, but where this is not practicable they shall be furnished by or upon the order of private physicians and hospitals designated or approved by the commission. For the securing of such services, appliances, and supplies, the employee may be furnished transportation, and may be paid all expenses incident to the securing of such services, appliances, and supplies, which, in the opinion of the commission, are necessary and reasonable. All such expenses when authorized or approved by the commission shall be paid from the employees' compensation fund. Any award heretofore made by the commission on account of expenses incurred under section 9 of the Act of September 7, 1916 [this section], prior to the passage of this Act, shall be valid, if such award would be valid if made on account of expenses incurred under this section after the passage of this Act. (Sept. 7, 1916, sec. 9, 39 Stat. 743; June 26, 1926, sec. 1, 44 Stat. 772; 5 U. S. C., sec. 759.)

**260. Compensation to heirs in case of death.**—That if death results from the injury within six years the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury:

(A) To the widow, if there is no child, thirty-five per centum. This compensation shall be paid until her death or marriage.

(B) To the widower, if there is no child, thirty-five per centum if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or marriage.

(C) To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto

ten per centum for each child, not to exceed a total of sixty-six and two-thirds per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen, and incapable of self-support, becomes capable of self-support.

(D) To the children, if there is no widow or widower, twenty-five per centum for one child and ten per centum additional for each additional child, not to exceed a total of sixty-six and two-thirds per centum, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian.

(E) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per centum; if both are wholly dependent, twenty per centum to each; if one is or both are partly dependent, a proportionate amount in the discretion of the commission.

The above percentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages, as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of sixty-six and two-thirds per centum.

(F) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per centum to such dependent; if more than one are wholly dependent, thirty per centum, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, ten per centum divided among such dependents share and share alike.

The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of sixty-six and two-thirds per centum.

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian.

(H) As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers, and half sisters, and brothers and sisters by adoption, but do not include married

brothers or married sisters. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen years of age or over that age and incapable of self-support. The term "parent" includes stepparents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at time of his death or living apart for reasonable cause or by reason of his desertion.

(I) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

(J) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case.

(K) In computing compensation under this section the monthly pay shall be considered not to be more than \$175 nor less than \$87.50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section 12 [5 U. S. C., sec. 762.]

(L) If any persons entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage he shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (Sept. 7, 1916, sec. 10, 39 Stat. 744; Feb. 12, 1927, secs. 1, 2, 3, 44 Stat. 1087; 5 U. S. C., sec. 760.)

261. Payment to personal representative where death results within six years; transportation of remains; burial expenses.—That if death results from the injury within six years the United States shall pay to the personal representative of the deceased employee funeral and burial expenses not to exceed \$200, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such funeral and burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury or, if there has been no disability preceding death, more than one year after the injury. (Sept. 7, 1916, Sec. 11, 39 Stat. 745; Feb. 12, 1927, sec. 4, 44 Stat. 1087; 5 U. S. C., sec. 761.)

262. Computation of monthly pay of employee.—That in computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay, but overtime pay shall not be taken into account. (Sept. 7, 1916, sec. 12, 39 Stat. 746; 5 U. S. C., sec. 762.)

**263. Wage-earning capacity.**—That in the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account. (Sept. 7, 1916, sec. 13, 39 Stat. 746; 5 U. S. C., sec. 763.)

**264. Payment of lump sum; determination of amount.**—That in cases of death or of permanent total or permanent partial disability, if the monthly payment to the beneficiary is less than \$5 a month, or if the beneficiary is or is about to become a nonresident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per centum true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed sixty months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded. (Sept. 7, 1916, sec. 14, 39 Stat. 746; 5 U. S. C., sec. 764.)

**265. Notice of injury.**—That every employee injured in the performance of his duty, or some one on his behalf, shall, within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail. (Sept. 7, 1916, sec. 15, 39 Stat. 746; 5 U. S. C., sec. 765.)

**266. Same; requisite.**—That the notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice. (Sept. 7, 1916, sec. 16, 39 Stat. 746; 5 U. S. C., sec. 766.)

**267. Same; failure to give notice.**—That unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown, the commission may allow compensation if the notice is filed within one year after the injury. (Sept. 7, 1916, sec. 17, 39 Stat. 746; 5 U. S. C., sec. 767.)

**268. Written claim.**—That no compensation under this Act shall be allowed to any person, except as provided in section thirty-eight [5 U. S. C., sec. 788], unless he or some one on his behalf shall, within the time specified in section twenty [5 U. S. C., sec. 770], make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to the commission or to any person whom the commission may by regulation designate. (Sept. 7, 1916, sec. 18, 39 Stat. 746; 5 U. S. C., sec. 768.)

**269. Same; form and requisites; waiver.**—That every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section. (Sept. 7, 1916, sec. 19, 39 Stat. 746; 5 U. S. C., sec. 769.)

**270. Time for making claims.**—That all original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability to be made at any time within one year. If the disability or death was the result of an injury sustained during the period of the Great War, and arising out of conditions due to the war, the commission may for any reasonable cause shown allow original claims of civilian employees of the Expeditionary Forces of the United States serving outside of the territory of the United States to be made at any time within one year after the passage of this Act. (Sept. 7, 1916, sec. 20, 39 Stat. 747; June 13, 1922, 42 Stat. 650; 5 U. S. C., sec. 770.)

**271. Physical examinations; refusal to submit to.**—That after the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this Act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

For any examination required by the commission the employee shall be paid all expenses incident to such examination which, in the opinion of the commission, are necessary and reasonable, including transportation and loss of wages incurred in order to submit to examination. All such expenses when authorized or approved by the commission shall be paid from the employees' compensation fund. (Sept. 7, 1916, sec. 21, 39 Stat. 747; June 26, 1926, sec. 2, 44 Stat. 772; 5 U. S. C., sec. 771.)

**272. Disagreement between physicians.**—That in case of any disagreement between the physician making an examination on the part of the United States and the employee's physician the commission shall appoint a third physician, duly qualified, who shall make an examination. (Sept. 7, 1916, sec. 22; 39 Stat. 747; 5 U. S. C., sec. 772.)

**273. Same; physicians' fees.**—That fees for examinations made on the part of the United States under sections 21 and 22 [5 U. S. C., secs. 771, 772] by physicians who are not already in the service of the

United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section 21 [5 U. S. C., sec. 771], when authorized or approved by the commission, shall be paid from the employees' compensation fund. (Sept. 7, 1916, sec. 23, 39 Stat. 747; June 26, 1926, sec. 3, 44 Stat. 772; 5 U. S. C., sec. 773.)

**274. Report to Commission of injury.**—That immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require. (Sept. 7, 1916, sec. 24, 39 Stat. 747; 5 U. S. C., sec. 774.)

**275. Assignment of claim for compensation.**—That any assignment of a claim for compensation under this Act [5 U. S. C. ch. 15] shall be void and all compensation and claims therefor shall be exempt from all claims of creditors. (Sept. 7, 1916, sec. 25, 39 Stat. 747; 5 U. S. C., sec. 775.)

**276. Subrogation of United States to employee's right of action; assignment by employee; disposition of moneys collected from person liable.**—If an injury or death for which compensation is payable under this Act [5 U. S. C., ch. 15] is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the commission may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the commission may require said beneficiary to prosecute said action in his own name.

If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the commission, he shall not be entitled to any compensation under this Act [5 U. S. C., ch 15].

The cause of action when assigned to the United States may be prosecuted or compromised by the commission, and if the commission realizes upon such cause of action, it shall apply the money or other property so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary and the expenses of such realization or collection, which sum shall be placed to the credit of the employees' compensation fund, the surplus, if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him on account of the same injury. (Sept. 7, 1916, sec. 26, 39 Stat. 747; 5 U. S. C., sec. 776.)

**277. Adjustment in case of receipt by employee of money or property in satisfaction of liability of third person.**—That if an injury or death for which compensation is payable under this Act [5 U. S. C., ch. 15] is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(A) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him on account of the same injury. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund.

(B) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States on account of the same injury. (Sept. 7, 1916, sec. 27, 39 Stat. 747; 5 U. S. C., sec. 777.)

**278. United States Employees' Compensation Commission.**—That a commission is hereby created, to be known as the United States Employees' Compensation Commission, and to be composed of three commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. No more than two of said commissioners shall be members of the same political party. One of said commissioners shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and at the expiration of each of said terms, the commissioner then appointed shall be appointed for a period of six years. Each commissioner shall receive a salary of \$4,000 a year. The principal office of said commission shall be in Washington, District of Columbia, but the said commission is authorized to perform its work at any place deemed necessary by said commission, subject to the restrictions and limitations of this Act. (Sept. 7, 1916, sec. 28, 39 Stat. 748; 5 U. S. C., sec. 778.)

**279. Same; other official bodies discontinued; reports from other departments to; transfer of clerks.**—Upon the organization of said commission and notification to the heads of all executive departments that the commission is ready to take up the work devolved upon it by this Act [5. U. S. C., ch. 15], all commissions and independent bureaus, by or in which payment for compensation are now provided, together with the adjustment and settlement of such claims, shall cease and determine, and such executive departments, commissions, and independent bureaus shall transfer all pending claims to said commission to be administered by it. The said commission may obtain, in all cases, in addition to the reports provided in section twenty-four [5 U. S. C., sec. 774], such information and such reports from employees of the departments as may be agreed upon by the commission and the heads of the respective departments. All clerks and employees now exclusively engaged in carrying on said work in the various executive departments, commissions, and independent bureaus, shall be transferred to, and become employees of, the commission at their present grades and salaries. (Sept. 7, 1916, sec. 28a, 39 Stat. 748; 5 U. S. C., sec. 779.)

**280. Same; subpoenas for witnesses.**—That the commission, or any commissioner by authority of the commission, shall have power to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths, and to

examine witnesses, upon any matter within the jurisdiction of the commission. (Sept. 7, 1916, sec. 29, 39 Stat. 748; 5 U. S. C., sec. 780.)

**281. Same; rules and regulations.**—The commission is authorized to make necessary rules and regulations for the enforcement of this Act, and to decide all questions arising under this Act. [5 U. S. C., ch. 15]. (Sept. 7, 1916, sec. 32, 39 Stat. 749; 5 U. S. C., sec. 783.)

**282. Employees' compensation fund.**—That there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby authorized to be permanently appropriated for the payment of the compensation provided by this Act, including the medical, surgical, and hospital services and supplies provided by section nine [5 U. S. C., sec. 759], and the transportation and burial expenses provided by sections nine and eleven [5 U. S. C., secs. 759, 761]. The commission shall submit annually to the Bureau of the Budget estimates of the appropriations necessary for the maintenance of the fund. (Sept. 7, 1916, sec. 35, 39 Stat. 749; 5 U. S. C., sec. 785.)

**283. Findings and award by Commission; payment of compensation.**—The commission, upon consideration of the claim presented by the beneficiary, and the report furnished by the immediate superior and the completion of such investigation as it may deem necessary, shall determine and make a finding of facts thereon and make an award for or against payment of the compensation provided for in this Act. [5 U. S. C., ch. 15]. Compensation when awarded shall be paid from the employees' compensation fund. (Sept. 7, 1916, sec. 36, 39 Stat. 749; 5 U. S. C., sec. 786.)

**284. Same; review.**—That if the original claim for compensation has been made within the time specified in section 20 [5 U. S. C., sec. 770], the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation. In the absence of fraud or mistake in mathematical calculation, the finding of facts in, and the decision of the commission upon, the merits of any claim presented under or authorized by this Act if supported by competent evidence shall not be subject to review by any other administrative or accounting officer, employee, or agent of the United States. Any award heretofore made by the Compensation Commission, under the Act of September 7, 1916, for disability or death resulting from a personal injury sustained prior to the passage of this Act, shall be valid, if such award would be valid if made in respect to an injury sustained after the passage of this Act. (Sept. 7, 1916, sec. 37, 39 Stat. 749; June 5, 1924; 43 Stat. 389; 5 U. S. C., sec. 787.)

**285. Same; cancellation; recovery of compensation paid.**—That if any compensation is paid under a mistake of law or fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed

to the credit of the employees' compensation fund. (Sept. 7, 1916, sec. 38, 39 Stat. 749; 5 U. S. C., sec. 788.)

**286. Penalty for perjury.**—That whoever makes, in any affidavit required under section four [5 U. S. C., sec. 754] or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. (Sept. 7, 1916, sec. 39, 39 Stat. 749; 5 U. S. C., sec. 789.)

**287. Compensation for disability or death of Government employees; definitions.**—That wherever used in this Act [5 U. S. C., ch. 15]—

The singular includes the plural and the masculine includes the feminine.

The term "employee" includes all civil employees of the United States and of the Panama Railroad Company.

The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section 28 [5 U. S. C., ch. 778.]

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury.

The term "injury" includes, in addition to injury by accident, any disease proximately caused by the employment.

The term "compensation" includes the money allowance payable to an employee or his dependents and any other benefits paid for out of the compensation fund: *Provided, however,* That this shall not in any way reduce the amount of the monthly compensation payable in case of disability or death. (Sept. 7, 1916, sec. 40, 39 Stat. 750; June 5, 1924, sec. 2, 43 Stat. 389; 5 U. S. C., sec. 790.)

**288. Repeal of inconsistent acts; compensation for injuries occurring prior to passage of act.**—That all Acts or parts of Acts inconsistent with this Act are hereby repealed: *Provided, however,* That for injuries occurring prior to the passage of this Act compensation shall be paid under the law in force at the time of the passage of this Act. (Sept. 7, 1916, sec. 41, 39 Stat. 750.)

#### SUBSISTENCE EXPENSE ACT OF 1926

**289. Citation.**—That this Act may be cited as the "Subsistence Expense Act of 1926." (June 3, 1926, sec. 1, 44 Stat. 688; 5 U. S. C., sec. 821.)

**290. Definitions.**—When used in this Act—

The term "departments and establishments" means any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia.

The term "subsistence" means lodging, meals, and other necessary expenses incidental to the personal sustenance or comfort of the traveler.

The term "actual expenses" means the actual amounts necessarily expended by the traveler for subsistence and itemized in accounts for reimbursement.

The term "per diem allowance" means a daily flat rate of payment in lieu of actual expenses. (June 3, 1926, sec. 2, 44 Stat. 689; 5 U. S. C., sec. 822.)

**291. Officers and employees away on official business; allowance of actual necessary expenses.**—Civilian officers and employees of the departments and establishments, while traveling on official business and away from their designated posts of duty, shall be allowed, in lieu of their actual expenses for subsistence and all fees or tips to porters and stewards, a per diem allowance to be prescribed by the head of the department or establishment concerned, not to exceed the rate of \$5 within the limits of continental United States, and not to exceed an average of \$6 beyond the limits of continental United States. (June 3, 1926, sec. 3, 44 Stat. 689; June 30, 1932, sec. 207, 47 Stat. 405; 5 U. S. C., sec. 823.)

**292. Transportation of effects; automobiles.**—Hereafter, no law or regulation authorizing or permitting the transportation at Government expense of the effects of officers, employees, or other persons, shall be construed or applied as including or authorizing the transportation of an automobile. (June 30, 1932, sec. 209, 41 Stat. 405; 5 U. S. C., sec. 823a.)

**293. Regulations governing expenses or per diem; standardization.**—The fixing and payment, under section 3 [5 U. S. C., sec. 823], of per diem allowance, or portions thereof, shall be in accordance with regulations which shall be promulgated by the heads of departments and establishments and which shall be standardized as far as practicable and shall not be effective until approved by the President of the United States. (June 3, 1926, sec. 7, 44 Stat. 689; June 30, 1932, sec. 208, 47 Stat. 405; 5 U. S. C., sec. 827.)

**294. Advancements and deduction thereof.**—The heads of departments and establishments, under regulations which shall be prescribed by the Secretary of the Treasury for the protection of the United States, may advance through the proper disbursing officers from applicable appropriations to any person entitled to actual expenses or per diem allowance under this Act such sums as may be deemed advisable considering the character and probable duration of the travel to be performed. Any sums so advanced shall be recovered from the person to whom advanced, or his estate, by deduction from any amount due from the United States or by such other legal method of recovery as may be necessary. (June 3, 1926, sec. 8, 44 Stat. 689; 5 U. S. C., sec. 828.)

**295. Repeal of inconsistent laws; exception.**—All laws or parts of laws which are inconsistent with or in conflict with the provisions of this Act except such laws or parts of law as especially fix or now permit rates higher than the maximum rates established in this Act are hereby repealed or modified only to the extent of such inconsistency or conflict. (June 3, 1926, sec. 9, 44 Stat. 689; 5 U. S. C., sec. 829.)

**296. Travel allowance of President not affected; certain acts not affected.**—This Act shall not be construed to modify or repeal the Act providing for the traveling expenses of the President of the United States [3 U. S. C., sec. 43] or any Acts (including appropriations for the fiscal year 1927) specifically fixing or permitting mileage rates for travel and/or subsistence expenses. (June 3, 1926, sec. 10, 44 Stat. 689; 5 U. S. C., sec. 830.)

**297. Appropriations for 1927 containing inconsistent rates.**—Appropriations for the fiscal year 1927 which contain specific rates of actual expenses or per diem allowance inconsistent with the rates permitted by this Act are hereby modified to the extent required to permit the application of the provisions of this Act to such appropriations. (June 3, 1926, sec. 12, 44 Stat. 690; 5 U. S. C., sec. 832.)

**298. Effective date of act; no deficiency in appropriations authorized.**—This Act shall take effect on July 1, 1926, but any increases deemed necessary to be made in the rates of actual expenses or per diem allowance under the authority of this Act shall not be authorized by heads of departments and establishments to the extent of incurring a deficiency in appropriations available for the payment thereof during the fiscal year 1927. (June 3, 1926, sec. 13, 44 Stat. 690; 5 U. S. C., sec. 833.)

#### OFFICIAL AND PENAL BONDS

**299. Examination as to sufficiency of sureties.**—Hereafter every officer required by law to take and approve official bonds shall cause the same to be examined at least once every two years for the purpose of ascertaining the sufficiency of the sureties thereon; and every officer having power to fix the amount of an official bond shall examine it to ascertain the sufficiency of the amount thereof and approve or fix said amount at least once in two years and as much oftener as he may deem it necessary. (Mar. 2, 1895, sec. 5, 28 Stat. 807; 6 U. S. C., sec. 2.)

**300. Renewal; continuance of liability.**—Hereafter every officer whose duty it is to take and approve official bonds shall cause such bonds to be renewed every four years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deems such action necessary. In the discretion of such officer the requirement of a new bond may be waived for the period of service of a bonded officer after the expiration of a four-year term of service pending the appointment and qualification of his successor: *Provided*, That the nonperformance of any requirement of this section on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States: *Provided further*, That the liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal. *Provided*, That the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees shall be a compliance with the requirement for the renewal of such bonds within the meaning of this Act." (Mar. 2, 1895, sec. 5, 28 Stat. 807; Mar. 8, 1928, 45 Stat. 247; 6 U. S. C., sec. 3.)

**301. Notice of delinquencies of principal.**—That hereafter, when any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the accounting officers making such discovery to at once notify the head of the Department having control over the affairs of said officer of the nature and amount of

said deficiency, and it shall be the immediate duty of said head of department to at once notify all obligors upon the bond or bonds of such official of the nature of such deficiency and the amount thereof. Said notification shall be deemed sufficient if mailed at the post office in the city of Washington, District of Columbia, addressed to said sureties respectively, and directed to the respective post offices where said obligors may reside, if known; but a failure to give or mail such notice shall not discharge the surety or sureties upon such bond. (Aug. 8, 1888, sec. 1, 25 Stat. 387; 6 U. S. C., sec. 4.)

**302. Limitation of actions against sureties.**—That if, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, by the accounting officers of the Treasury, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness. (Aug. 8, 1888, sec. 2, 25 Stat. 387; 6 U. S. C., sec. 5.)

**303. Surety companies as sureties.**—That whenever any recognizance, stipulation, bond, or undertaking conditioned for the faithful performance of any duty, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified, is by the laws of the United States required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by a corporation incorporated under the laws of the United States, or of any State having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds and undertakings in judicial proceedings: *Provided*, That such recognizance, stipulation, bond, or undertaking be approved by the head of department, court, judge, officer, board, or body executive, legislative, or judicial required to approve or accept the same. But no officer or person having the approval of any bond shall exact that it shall be furnished by a guarantee company or by any particular guarantee company. (Aug. 13, 1894, sec. 1, 28 Stat. 279; 6 U. S. C., sec. 6.)

**304. Rate of premium on bonds; payment of premium by United States forbidden.**—Until otherwise provided by law no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost more than thirty-five per centum in excess of the rate of premium charged for a like bond during the calendar year nineteen hundred and eight: *Provided*, That hereafter the United States shall not pay any part of the premium or other cost of furnishing a bond required by law or otherwise of any officer or employee of the United States. (Aug. 5, 1909, 36 Stat. 125; 6 U. S. C., sec. 14.)

**305. Bonds or notes of United States in lieu of recognizance, etc.; place of deposit; return to depositor; contractors' bonds.**—Wherever by the laws of the United States or regulations made pursuant thereto, any person is required to furnish any recognizance, stipulation, bond, guaranty, or undertaking, hereinafter called "penal bond", with surety or sureties, such person may, in lieu of such surety or sureties,

deposit as security with the official having authority to approve such penal bond, United States Liberty bonds or other bonds or notes of the United States in a sum equal at their par value to the amount of such penal bond required to be furnished, together with an agreement authorizing such official to collect or sell such bonds or notes so deposited in case of any default in the performance of any of the conditions or stipulations of such penal bond. The acceptance of such United States bonds or notes in lieu of surety or sureties required by law shall have the same force and effect as individual or corporate sureties, or certified checks, bank drafts, post-office money orders, or cash, for the penalty or amount of such penal bond. The bonds or notes deposited hereunder and such other United States bonds or notes as may be substituted therefor from time to time as such security, may be deposited with the Treasurer of the United States, a Federal reserve bank, or other depositary duly designated for that purpose by the Secretary, which shall issue receipt therefor, describing such bonds or notes so deposited. As soon as security for the performance of such penal bond is no longer necessary, such bonds or notes so deposited shall be returned to the depositor: *Provided*, That in case a person or persons supplying a contractor with labor or material as provided by the Act of Congress, approved February 24, 1905 (33 Stat. 811), entitled "An Act to amend an Act approved August thirteenth, eighteen hundred and ninety-four, entitled 'An Act for the protection of persons furnishing materials and labor for the construction of public works,'" shall file with the obligee, at any time after a default in the performance of any contract subject to said Acts, the application and affidavit therein provided, the obligee shall not deliver to the obligor the deposited bonds or notes nor any surplus proceeds thereof until the expiration of the time limited by said Acts for the institution of suit by such person or persons, and, in case suit shall be instituted within such time, shall hold said bonds or notes or proceeds subject to the order of the court having jurisdiction thereof: *Provided further*, That nothing herein contained shall affect or impair the priority of the claim of the United States against the bonds or notes deposited or any right or remedy granted by said Acts or by this section to the United States for default upon any obligation of said penal bond: *Provided further*, That all laws inconsistent with this section are hereby so modified as to conform to the provisions hereof: *And provided further*, That nothing contained herein shall affect the authority of courts over the security, where such bonds are taken as security in judicial proceedings, or the authority of any administrative officer of the United States to receive United States bonds for security in cases authorized by existing laws. The Secretary may prescribe rules and regulations necessary and proper for carrying this section into effect. (Feb. 24, 1919, sec. 1320, 40 Stat. 1148; Nov. 23, 1921, sec. 1329, 42 Stat. 318; June 2, 1924, 43 Stat. 349; Feb. 26, 1926, secs. 2, 1029, 44 Stat. 122; 6 U. S. C., sec. 15.)

306. Bonds or notes of United States in lieu of recognizance, stipulation, bond, guaranty, or undertaking; place of deposit, return to depositor, contractor's bonds.—Wherever by the laws of the United States or regula-

tions made pursuant thereto, any person is required to furnish any recognizance, stipulation, bond, guaranty, or undertaking, hereinafter called "penal bond," with surety or sureties, such person may, in lieu of such surety or sureties, deposit as security with the official having authority to approve such penal bond, United States Liberty bonds or other bonds or notes of the United States in a sum equal at their par value to the amount of such penal bond required to be furnished, together with an agreement authorizing such official to collect or sell such bonds or notes so deposited in case of any default in the performance of any of the conditions or stipulations of such penal bond. The acceptance of such United States bonds or notes in lieu of surety or sureties required by law shall have the same force and effect as individual or corporate sureties, or certified checks, bank drafts, post-office money orders, or cash, for the penalty or amount of such penal bond. The bonds or notes deposited hereunder and such other United States bonds or notes as may be substituted therefor from time to time as such security, may be deposited with the Treasurer of the United States, a Federal reserve bank, or other depository duly designated for that purpose by the Secretary, which shall issue receipt therefor, describing such bonds or notes so deposited. As soon as security for the performance of such penal bond is no longer necessary, such bonds or notes so deposited shall be returned to the depositor: *Provided*, That in case a person or persons supplying a contractor with labor or material as provided by the Act of Congress, approved February 24, 1905 (33 Stat. 811), entitled "An Act to amend an Act approved August thirteenth, eighteen hundred and ninety-four, entitled 'An Act for the protection of persons furnishing materials and labor for the construction of public works,'" [40 U. S. C., sec. 270] shall file with the obligee, at any time after a default in the performance of any contract subject to said Acts, the application and affidavit therein provided, the obligee shall not deliver to the obligor the deposited bonds or notes nor any surplus proceeds thereof until the expiration of the time limited by said Acts for the institution of suit by such person or persons, and, in case suit shall be instituted within such time, shall hold said bonds or notes or proceeds subject to the order of the court having jurisdiction thereof: *Provided further*, That nothing herein contained shall affect or impair the priority of the claim of the United States against the bonds or notes deposited or any right or remedy granted by said Acts or by this section to the United States for default upon any obligation of said penal bond: *Provided further*, That all laws inconsistent with this section are hereby so modified as to conform to the provisions hereof: *And provided further*, That nothing contained herein shall affect the authority of courts over the security, where such bonds are taken as security in judicial proceedings, or the authority of any administrative officer of the United States to receive United States bonds for security in cases authorized by existing laws. The Secretary may prescribe rules and regulations necessary and proper for carrying this section into effect. (Feb. 26, 1926, sec. 1126, 44 Stat. 122; 6 U. S. C., sec. 15.)

## AGRICULTURE

### GRAIN FUTURES ACT

**307. Short title of act.**—This Act shall be known by the short title of "The Grain Futures Act." (Sept. 1, 1922, sec. 1, 42 Stat. 998; 7 U. S. C., sec. 1.)

**308. "Contract of sale", "person", "grain", "future delivery", "board of trade", "interstate commerce", liability of principal for act of agent.**—(a) For the purposes of this Act "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations, and trusts. The word "grain" shall be construed to mean wheat, corn, oats, barley, rye, flax, and sorghum. The term "future delivery", as used herein, shall not include any sale of cash grain for deferred shipment or delivery. The words "board of trade" shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling grain or receiving the same for sale on consignment. The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of his employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person. The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

(b) For the purposes of this Act (but not in anywise limiting the foregoing definition of interstate commerce) a transaction in respect to any article shall be considered to be in interstate commerce if such article is part of that current of commerce usual in the grain trade whereby grain and grain products and byproducts thereof are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Articles normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation. (Sept. 1, 1922, sec. 2, 42 Stat. 998; 7 U. S. C., secs. 2, 3, 4.)

**309. Resolutions declaring dangerous tendency of dealings in grain futures.**—Transactions in grain involving the sale thereof for future delivery as commonly conducted on boards of trade and known as "futures" are affected with a national public interest; that such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling grain

and the products and by-products thereof in interstate commerce; that the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of grain and the products and by-products thereof and to facilitate the movements thereof in interstate commerce; that such transactions are utilized by shippers, dealers, millers, and others engaged in handling grain and the products and by-products thereof in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; that the transactions and prices of grain on such boards of trade are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling grain and products and by-products thereof in interstate commerce, and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in grain and the products and by-products thereof and render regulation imperative for the protection of such commerce and the national public interest therein. (Sept. 21, 1922, sec. 3, 42 Stat. 999; 7 U. S. C., sec. 5.)

**310. Prohibition against dealing in grain futures; general exceptions.**—It shall be unlawful for any person to deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of grain for future delivery on or subject to the rules of any board of trade in the United States, or for any person to make or execute such contract of sale, which is or may be used for (a) hedging any transaction in interstate commerce in grain or the products or by-products thereof, or (b) determining the price basis of any such transaction in interstate commerce, or (c) delivering grain sold, shipped, or received in interstate commerce for the fulfillment thereof, except—

(a) Where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby, or is the grower thereof, or in case either party to the contract is the owner or renter of land on which the same is to be grown, or is an association of such owners, or growers of grain, or of such owners or renters of land; or

(b) Where such contract is made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a "contract market", as hereinafter provided, and if such contract is evidenced by a record in writing which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery: *Provided*, That each board member shall keep such record for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, which record shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice. (Sept. 21, 1922, sec. 4, 42 Stat. 999; 7 U. S. C., sec. 6.)

**311. Designation of boards of trade as "contract markets"; conditions.**—That the Secretary of Agriculture is hereby authorized and directed to designate any board of trade as a "contract market" when, and only when, such board of trade complies with and carries out the following conditions and requirements:

(a) When located at a terminal market where cash grain of the kind specified in the contracts of sale of grain for future delivery to be executed on such board is sold in sufficient volume and under such conditions as fairly to reflect the general value of the grain and the differences in value between the various grades of such grain, and where there is available to such board of trade official inspection service approved by the Secretary of Agriculture for the purpose.

(b) When the governing board thereof provides for the making and filing by the board or any member thereof, as the Secretary of Agriculture may direct, of reports in accordance with the rules and regulations, and in such manner and form and at such times as may be prescribed by the Secretary of Agriculture, showing the details and terms of all transactions entered into by the board, or the members thereof, either in cash transactions consummated at, on, or in a board of trade, or transactions for future delivery, and when such governing board provides, in accordance with such rules and regulations, for the keeping of a record by the board or the members of the board of trade, as the Secretary of Agriculture may direct, showing the details and terms of all cash and future transactions entered into by them, consummated at, on, or in a board of trade, such record to be in permanent form, showing the parties to all such transactions, including the persons for whom made, any assignments or transfers thereof, with the parties thereto, and the manner in which said transactions are fulfilled, discharged, or terminated. Such records shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and shall at all times be open to the inspection of any representative of the United States Department of Agriculture or United States Department of Justice.

(c) When the governing board thereof provides for the prevention of dissemination by the board or any member thereof, of false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce.

(d) When the governing board thereof provides for the prevention of manipulation of prices or the cornering of any grain by the dealers or operators upon such board.

(e) When the governing board thereof does not exclude from membership in, and all privileges on, such board of trade, any duly authorized representative of any lawfully formed and conducted cooperative association of producers having adequate financial responsibility which is engaged in cash grain business, if such association has complied, and agrees to comply, with such terms and conditions as are or may be imposed lawfully on other members of such board: *Provided*, That no rule of a contract market shall forbid or be construed to forbid the return on a patronage basis by such cooperative association to its bona fide members of moneys collected in excess of the expense of conducting the business of such association.

(f) When the governing board provides for making effective the final orders or decisions entered pursuant to the provisions of paragraph (b) of section 6 of this Act [7 U. S. C., sec. 9]. (Sept. 21, 1922, sec. 5, 42 Stat. 1000; 7 U. S. C., sec. 7.)

**312.** Application for designation as "contract market"; suspension or revocation of designation; composition of commission; review; exclusion from privilege of "contract market"; provisions of Interstate Commerce Act made applicable.—Any board of trade desiring to be designated a "contract market" shall make application to the Secretary of Agriculture for such designation and accompany the same with a showing that it complies with the above conditions, and with a sufficient assurance that it will continue to comply with the above requirements.

(a) A commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General is authorized to suspend for a period not to exceed six months or to revoke the designation of any board of trade as a "contract market" upon a showing that such board of trade has failed or is failing to comply with any of the above requirements or is not enforcing its rules of government made a condition of its designation as set forth in section 5 [7 U. S. C., sec. 7]. Such suspension or revocation shall only be after a notice to the officers of the board of trade affected and upon a hearing: *Provided*, That such suspension or revocation shall be final and conclusive unless within fifteen days after such suspension or revocation by the said commission such board of trade appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the order of the said commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such board of trade will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, chairman of said commission, or any member thereof, and the said commission shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the board of trade, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the said commission duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such a court may affirm or set aside the order of the said commission or may direct it to modify its order. No such order of the said commission shall be modified or set aside by the circuit court of appeals unless it is shown by the board of trade that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such board of trade for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of said commission: *Provided further*, That if the Secretary of Agriculture shall refuse to designate as a contract market any board of trade that has made application therefor, then such board of trade may appeal from such refusal to the commission described therein,

consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States, with the right to appeal as provided for in other cases in this section, the decision on such appeal to be final and binding on all parties interested.

(b) If the Secretary of Agriculture has reason to believe that any person is violating any of the provisions of this Act, or is attempting to manipulate the market price of any grain in violation of the provisions of section 5 hereof [7 U. S. C., sec. 7], or of any of the rules or regulations made pursuant to its requirements, he may serve upon such person a complaint stating his charge in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place not less than three days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract markets until further notice of the said commission refuse all trading privileges thereon to such person. Said hearing may be held in Washington, District of Columbia, or elsewhere, before the said commission, or before a referee designated by the Secretary of Agriculture, who shall cause all evidence to be reduced to writing and forthwith transmit the same to the Secretary of Agriculture as chairman of the said commission. That for the purpose of securing effective enforcement of the provisions of this Act the provisions, including penalties of section 12 of the Interstate Commerce Act, as amended, relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, are made applicable to the power, jurisdiction, and authority of the Secretary of Agriculture, the said commission, or said referee in proceedings under this Act, and to persons subject to its provisions. Upon evidence received the said commission may require all contract markets to refuse such person all trading privileges thereon for such period as may be specified in said order. Notice of such order shall be sent forthwith by registered mail or delivered to the offending person and to the governing boards of said contract markets. After the issuance of the order by the commission, as aforesaid, the person against whom it is issued may obtain a review of such order or such other equitable relief as to the court may seem just by filing in the United States circuit court of appeals of the circuit in which the petitioner is doing business a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission by delivering such copy to its chairman or to any member thereof, and thereupon the commission shall forthwith certify and file in the court a transcript of the record theretofore made, including evidence received. Upon the filing of the transcript the court shall have jurisdiction to affirm, to set aside, or modify the order of the commission, and the findings of the commission as to the facts, if supported by the weight of evidence, shall in like manner be conclusive. In proceedings under paragraphs (a) and (b) the judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code. (Sept. 21, 1922, 42 Stat. 1001, sec. 6; 7 U. S. C., secs. 8, 9, 10, 15.)

**313. Vacation on request of designation as "contract market"; redesignation.**—Any board of trade that has been designated a contract market in the manner herein provided may have such designation vacated and set aside by giving notice in writing to the Secretary of Agriculture requesting that its designation as a contract market be vacated, which notice shall be served at least ninety days prior to the date named therein as the date when the vacation of designation shall take effect. Upon receipt of such notice the Secretary of Agriculture shall forthwith order the vacation of the designation of such board of trade as a contract market, effective upon the day named in the notice, and shall forthwith send a copy of the notice and his order to all other contract markets. From and after the date upon which the vacation became effective the said board of trade can thereafter be designated again a contract market by making application to the Secretary of Agriculture in the manner herein provided for an original application. (Sept. 21, 1922, sec. 7, 42 Stat. 1002; 7 U. S. C. sec. 11.)

**314. Investigations and reports by Secretary, generally.**—For the efficient execution of the provisions of this Act, and in order to provide information for the use of Congress, the Secretary of Agriculture may make such investigations as he may deem necessary to ascertain the facts regarding the operations of boards of trade, whether prior or subsequent to the enactment of this Act, and may publish from time to time, in his discretion, the result of such investigation and such statistical information gathered therefrom as he may deem of interest to the public, except data and information which would separately disclose the business transactions of any person and trade secrets or names of customers: *Provided*, That nothing in this section shall be construed to prohibit the Secretary of Agriculture from making or issuing such reports as he may deem necessary relative to the conduct of any board of trade or of the transactions of any person found guilty of violating the provisions of this Act under the proceedings prescribed in section 6 of this Act [7 U. S. C., sec. 9]: *Provided further*, That the Secretary of Agriculture in any report may include the facts as to any actual transaction. The Secretary of Agriculture, upon his own initiative or in cooperation with existing governmental agencies, shall investigate marketing conditions of grain and grain products and byproducts, including supply and demand for these commodities, cost to the consumer, and handling and transportation charges. He shall likewise compile and furnish to producers, consumers, and distributors, by means of regular or special reports, or by such methods as he may deem most effective, information respecting the grain markets, together with information on supply, demand, prices, and other conditions in this and other countries that affect the markets. (Sept. 21, 1922, sec. 8, 42 Stat. 1003; 7 U. S. C., sec. 12.)

**315. Violations; punishment.**—Any person who shall violate the provisions of section 4 of this Act [7 U. S. C., sec. 6], or who shall fail to evidence any contract mentioned in said section by a record in writing as therein required, or who shall knowingly or carelessly deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication false or

misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution. (Sept. 21, 1922, sec. 9, 42 Stat. 1003; 7 U. S. C., sec. 13.)

**316. Effect of partial invalidity.**—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (Sept. 21, 1922, sec. 10, 42 Stat. 1003; 7 U. S. C., sec. 17.)

**317. No punishment for violations before first day of second month following passage of act.**—No fine or imprisonment shall be imposed for any violation of this Act occurring before the first day of the second month following its passage. (Sept. 21, 1922, sec. 11, 42 Stat. 1003; 7 U. S. C., sec. 14.)

**318. Cooperation with Government, State, etc., agencies; appointment, removal, and compensation of officers and employees; expenses; appropriations authorized.**—The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes. (Sept. 21, 1922, sec. 12, 42 Stat. 1003; 7 U. S. C., sec. 16.)

#### COTTON STANDARDS ACT

**319. Short title of act.**—That this Act shall be known by the short title of "United States Cotton Standards Act." (Mar. 4, 1923, sec. 1, 42 Stat. 1517; 7 U. S. C., sec. 51.)

**320. Extension of classification facilities to cotton growers.**—That the Secretary of Agriculture be requested to extend to cotton growers facilities for the classification of cotton authorized in the United States Cotton Standards Act of March 4, 1923 (42 Stat. L. 1517) [7 U. S. C., sec. 51], with such supervision of licensed classifiers as he shall deem necessary under authority of the United States Cotton Futures Act. (Mar. 4, 1933, sec. 1, 47 Stat. 1621; 7 U. S. C., sec. 51a.)

**321. Licensing samplers; revocation and suspension of license.**—Further to carry out the purposes of the said United States Cotton Standards Act the Secretary of Agriculture is authorized to issue to any qualified person, upon presentation of satisfactory evidence of competency, a license to sample cotton. Any such license may be suspended or

revoked by the Secretary of Agriculture whenever he is satisfied that such licensee is incompetent or has knowingly or carelessly sampled cotton improperly, or has violated any provision of said Act or the regulations thereunder so far as the same may relate to him, or has used his license, or allowed it to be used, for any improper purpose. The Secretary of Agriculture may prescribe by regulation the conditions under which licenses may be issued hereunder, and may require any licensed sampler to give bond for the faithful performance of his duties and for the protection of persons affected thereby and may prescribe the conditions under which cotton shall be sampled by licensed samplers for the purpose of classification by officers of the Department of Agriculture, or by licensed cotton classifiers. (Mar. 4, 1933, sec. 2, 47 Stat. 1621; 7 U. S. C., sec. 51b.)

**322. Use of nonofficial standards unlawful; sales by sample excepted.**—That it shall be unlawful (a) in or in connection with any transaction or shipment in commerce made after this Act shall become effective, or (b) in any publication of a price or quotation determined in or in connection with any transaction or shipment in commerce after this Act shall become effective, or (c) in any classification for the purposes of or in connection with a transaction or shipment in commerce after this Act shall become effective, for any person to indicate for any cotton a grade or other class which is of or within the official cotton standards of the United States then in effect under this Act by a name, description, or designation, or any system of names, description, or designation not used in said standards: *Provided*, That nothing herein shall prevent a transaction otherwise lawful by actual sample or on the basis of a private type which is used in good faith and not in evasion of or substitution for said standards. (Mar. 4, 1923, sec. 2, 42 Stat. 1517; 7 U. S. C., sec. 52.)

**323. Licensing classifiers; suspension or revocation.**—That the Secretary of Agriculture may, upon presentation of satisfactory evidence of competency, issue to any person a license to grade or otherwise classify cotton and to certificate the grade or other class thereof in accordance with the official cotton standards of the United States. Any such license may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after reasonable opportunity afforded to the licensee for a hearing, that such licensee is incompetent or has knowingly or carelessly classified cotton improperly, or has violated any provision of this Act or the regulations thereunder so far as the same may relate to him, or has used his license or allowed it to be used for any improper purpose. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without a hearing. (Mar. 4, 1923, sec. 3, 42 Stat. 1517, 7 U. S. C., sec. 53.)

**324. Classification by Department; certificate; regulations for submitting samples for classification.**—That any person who has custody of or a financial interest in any cotton may submit the same or samples thereof, drawn in accordance with the regulations of the Secretary of Agriculture, to such officer or officers of the Department of Agriculture as may be designated for the purpose pursuant to the regulations of the Secretary of Agriculture for a determination of the

true classification of such cotton or samples, including the comparison thereof, if requested, with types or other samples submitted for the purpose. The final certificate of the Department of Agriculture showing such determination shall be binding on officers of the United States and shall be accepted in the courts of the United States as *prima facie* evidence of the true classification or comparison of such cotton or samples when involved in any transaction or shipment in commerce. The Secretary of Agriculture shall fix rules and regulations for submitting samples of cotton for classification providing that all samples shall be numbered so that no one interested in the transaction involved shall be known by any classifier engaged in the classification of such cotton samples. (Mar. 4, 1923, sec. 4, 42 Stat. 1517; 7 U. S. C., sec. 54.)

**325. Charges for licenses and classification.**—That the Secretary of Agriculture may cause to be collected such charges as he may find to be reasonable for licenses issued to classifiers of cotton under section 3 [7 U. S. C., sec. 53], and for determinations made under section 4 of this Act [7 U. S. C., sec. 54], and the amounts so collected shall be used by the Secretary of Agriculture in paying expenses of the Department of Agriculture connected therewith. (Mar. 4, 1923, sec. 5, 42 Stat. 15, 18; 7 U. S. C., sec. 55.)

**326. Establishment of cotton standards; furnishing copies of standards.**—That the Secretary of Agriculture is authorized to establish from time to time standards for the classification of cotton by which its quality or value may be judged or determined for commercial purposes, which shall be known as the official cotton standards of the United States. Any such standard or change or replacement thereof shall become effective only on and after a date specified in the order of the Secretary of Agriculture establishing the same, which date shall be not less than one year after the date of such order: *Provided*, That the official cotton standards established, effective August 1, 1923, under the United States Cotton Futures Act shall be at the same time the official cotton standards for the purpose of this Act unless and until changed or replaced under this Act. Whenever any standard or change or replacement thereof shall become effective under this Act, it shall also, when so specified in the order of the Secretary of Agriculture, become effective for the purpose of the United States Cotton Futures Act and supersede any inconsistent standard established under said Act. Whenever the official cotton standards of the United States established under this Act shall be represented by practical forms, the Department of Agriculture shall furnish copies thereof, upon request, to any person, and the cost thereof, as determined by the Secretary of Agriculture, shall be paid by the person making the request. The Secretary of Agriculture may cause such copies to be certified under the seal of the Department of Agriculture and may attach such conditions to the purchase and use thereof, including provision for the inspection, condemnation, and exchange thereof by duly authorized representatives of the Department of Agriculture, as he may find to be necessary to the proper application of the official cotton standards of the United States. Any moneys received from or in connection with the sale of cotton purchased for the preparation of such copies and condemned as unsuitable for such use or with the sale of such copies may be ex-

pended for the purchase of other cotton for such use. (Mar. 4, 1923, sec. 6; 42 Stat. 1518; 7 U. S. C., secs. 56, 57.)

**327. Inspection and sampling of cotton.**—That in order to carry out the provisions of this Act, the Secretary of Agriculture is authorized to cause the inspection, including the sampling, of any cotton involved in any transaction or shipment in commerce, wherever such cotton may be found, or of any cotton with respect to which a determination of the true classification is requested under section 4 of this Act [7 U. S. C., sec. 54]. (Mar. 4, 1923, sec. 7, 42 Stat. 1518; 7 U. S. C., sec. 58.)

**328. Offenses in relation to cotton standards.**—That it shall be unlawful for any person (a) with intent to deceive or defraud, to make, receive, use, or have in his possession any simulate or counterfeit practical form or copy of any standard or part thereof established under this Act; or (b) without the written authority of the Secretary of Agriculture, to make, alter, tamper with, or in any respect change any practical form or copy of any standard established under this Act; or (c) to display or use any such practical form or copy after the Secretary of Agriculture shall have caused it to be condemned. (Mar. 4, 1923, sec. 8, 42 Stat. 1519; 7 U. S. C., sec. 59.)

**329. Penalties for violation.**—That (a) any person who shall knowingly violate any provision of sections 2 or 8 of this Act [7 U. S. C., secs. 52, 59], or (b) any person licensed under this Act who, for the purposes of or in connection with any transaction or shipment in commerce, shall knowingly classify cotton improperly, or shall knowingly falsify or forge any certificate of classification, or shall accept money or other consideration, either directly or indirectly, for any neglect or improper performance of duty as such licensee, or (c) any person who shall knowingly influence improperly or attempt to influence improperly any person licensed under this Act in the performance of his duties as such licensee relating to any transaction or shipment in commerce, or (d) any person who shall forcibly assault, resist, impede, or interfere with or influence improperly or attempt to influence improperly any person employed under this Act in the performance of his duties, shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined not exceeding \$1,000, or imprisoned not exceeding six months, or both, in the discretion of the court. (Mar. 4, 1923, sec. 9, 42 Stat. 1519; 7 U. S. C., sec. 60.)

**330. General regulations; investigations, tests, etc., by Secretary.**—That for the purposes of this Act the Secretary of Agriculture shall cause to be promulgated such regulations, may cause such investigations, tests, demonstrations, and publications to be made, including the investigation and determination of some practical method whereby repeated and unnecessary sampling and classification of cotton may be avoided, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, as he shall find to be necessary. (Mar. 4, 1923, sec. 10, 42 Stat. 1519; 7 U. S. C., sec. 61.)

**331. Definitions; liability of principal for act of agent.**—That wherever used in this Act, (a) the word "person" imports the plural or the singular, as the case demands, and includes an individual, partner-

ship, a corporation, or two or more persons having a joint or common interest; (b) the word "commerce" means commerce between any State or the District of Columbia and any place outside thereof, or between points within the same State or the District of Columbia but through any place outside thereof, or within the District of Columbia; and (c) the word "cotton" means cotton of any variety produced within the continental United States, including linters. When construing and enforcing the provisions of this Act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any person, within the scope of his employment or office, shall in every case be deemed also the act, omission, or failure of such person as well as that of such agent, officer, or other person. (Mar. 4, 1923, sec. 11, 42 Stat. 1519; 7 U. S. C., secs. 62, 63.)

**332. Appropriations for officers and employees; expenses.**—That there are hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for carrying out the provisions of this Act; and the Secretary of Agriculture is authorized, within the limits of such appropriations, to appoint, remove, and fix the compensations of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this Act in the District of Columbia and elsewhere. (Mar. 4, 1923, sec. 12, 42 Stat. 1519; 7 U. S. C., sec. 64.)

**333. Partial invalidity of act.**—That if any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby. (Mar. 4, 1923, sec. 13, 42 Stat. 1519; 7 U. S. C., sec. 65.)

#### GRAIN STANDARDS ACT

**334. Short title of act; definitions; liability of principal for act of agent.**—That this Act shall be known by the short title of the "United States grain standards Act." The word "person", wherever used in this Act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations; the words "in interstate or foreign commerce", wherever used in this Act, mean "from any State, Territory, or District to or through any other State, Territory, or District, or to or through any foreign country, or within any Territory or District." When construing and enforcing the provisions of this Act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person. (Aug. 11, 1916, sec. 1, 39 Stat. 482; 7 U. S. C., secs. 71-73.)

**335. Establishment of grain standards by Secretary; promulgation.**—That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and es-

tablish as soon as may be after the enactment hereof standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than ninety days in advance of such date or dates, by such means as he deems proper. (Aug. 11, 1916, sec. 2, 39 Stat. 482; 7 U. S. C., sec. 74.)

**336. Designation of official grain standards.**—That the standards so fixed and established shall be known as the official grain standards of the United States. (Aug. 11, 1916, sec. 3, 39 Stat. 483; 7 U. S. C., sec. 75.)

**337. Compulsory use of official standards; exceptions; inspection and grading; disputes; appeal.**—That whenever standards shall have been fixed and established under this Act for any grain no person thereafter shall ship or deliver for shipment in interstate or foreign commerce any such grain which is sold, offered for sale, or consigned for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this Act and the grade by which it is sold, offered for sale, or consigned for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any person may sell, offer for sale, or consign for sale, ship, or deliver for shipment in interstate or foreign commerce any such grain by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold, offered for sale, or consigned for sale by grade may be shipped or delivered for shipment in interstate or foreign commerce without inspection at point of shipment by an inspector licensed under this Act, to or through any place at which an inspector licensed under this Act is located, subject to be inspected by a licensed inspector at the place to which shipped or at some convenient point through which shipped for inspection, which inspection shall be under such rules and regulations as the Secretary of Agriculture shall prescribe, and subject further to the right of appeal from such inspection, as provided in section six of this Act [7 U. S. C., sec. 78]: *And provided further*, That any such grain sold, offered for sale, or consigned for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped in interstate or foreign commerce without inspection from a place at which there is no inspector licensed under this Act to a place at which there is no such inspector, subject to the right of either party to the transaction to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment

or delivery for shipment, in interstate or foreign commerce, of any grain for which standards shall have been fixed and established under this Act described, or in any way refer to, any such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States. (Aug. 11, 1916, sec. 4, 39 Stat. 483; 7 U. S. C., sec. 76.)

338. Misrepresentation respecting grade; reexamination.—That no person, except as permitted in section four [7 U. S. C., sec. 76], shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this Act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this Act, and which has been certified to conform to any grade fixed therefor in such official grain standards, or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, and to the inspector thereof if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade, or has been sold, offered for sale, or consigned for sale under any name, description, or designation which is false or misleading, he may publish his findings. (Aug. 11, 1916, sec. 5, 39 Stat. 483; 7 U. S. C., sec. 77.)

339. Appeal to Secretary; fees; findings as to grain prima facie evidence of true grade.—That whenever standards shall have been fixed and established under this Act for any grain and any quantity of such grain sold, offered for sale, or consigned for sale, or which has been shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may, either with or without reinspection, appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection and grading to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. Whenever an appeal shall be taken or a dispute referred to the Secretary of Agriculture under this Act, he shall charge and assess, and cause to be collected, a reasonable fee, in amount to be fixed by him, which fee in case of an appeal, shall be refunded if the appeal is sustained. All such fees, not so refunded, shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, signed by him or by such officer or officers, agent or agents, of the Department of Agriculture as he may designate, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings. (Aug. 11, 1916, sec. 6, 39 Stat. 484; 7 U. S. C., sec. 78.)

**340. Licenses to inspect and grade; State inspectors; revocation and suspension of license; disqualification.**—The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent, to inspect and grade grain and to certificate the grade thereof for shipment or delivery for shipment in interstate or foreign commerce, under this Act and the rules and regulations prescribed thereunder. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, partnership, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for shipment or delivery for shipment in interstate or foreign commerce, which has been inspected or graded by him, or by any person acting under his authority, is of one of the grades of the official grain standards of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has, or which may hereafter have a State grain inspection department established by the laws of such State, the Secretary of Agriculture shall issue licenses to the persons duly authorized and employed to inspect and grade grain under the laws of such State. The Secretary of Agriculture may suspend or revoke any license issued by him under this Act whenever, after opportunity for hearing has been given to the licensee, the Secretary shall determine that such licensee is incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this Act, or has issued any false certificate of grade, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has violated any provision of this Act or of the rules and regulations made hereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing: *Provided further*, That no person licensed by the Secretary of Agriculture to inspect or grade grain or employed by him in carrying out any of the provisions of this Act shall, during the term of such license or employment, be interested, financially or otherwise, directly or indirectly, in any grain elevator or warehouse, or in the merchandising of grain, nor shall he be in the employment of any person or corporation owning or operating any grain elevator or warehouse.

The Secretary of Agriculture shall require every inspector licensed under this Act to keep complete and correct records of all grain graded and inspected by him, and to make reports to the Secretary of Agriculture, in such forms and at such times as he may require, showing the place of inspection, the date of inspection, the name of the elevator or warehouse, if any, to which the grain was delivered or from which it was shipped, the kind of grain, the quantity of each kind, the grade thereof, and such other information as the Secretary of Agriculture may deem necessary. The Secretary of Agriculture, on each first Tuesday in January and each first Tuesday in July of each year shall make publication of a summary of such facts as are ascertained showing in as great detail as possible all the facts, including a summary as to the amount and grade of grain delivered to the elevator or warehouse and the amount and grade of grain de-

livered from such elevator or warehouse, and the estimated amount received on sample or type by such elevator or warehouse, and the estimated amount delivered therefrom on sample or type. (Aug. 11, 1916, sec. 7, 39 Stat. 484; 7 U. S. C., secs. 79-83.)

**341. Rules and regulations.**—That the Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this Act. (Aug. 11, 1916, sec. 8, 39 Stat. 485; 7 U. S. C., sec. 84.)

**342. Violations; punishment.**—That any person who shall knowingly violate any of the provisions of sections four or seven of this Act [7 U. S. C., secs. 76, 79-83], or any inspector licensed under this Act who shall knowingly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly give any false certificate of grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$1,000, or be imprisoned not more than one year, or both. (Aug. 11, 1916, sec. 9, 39 Stat. 485; 7 U. S. C., sec. 85.)

**343. Interfering with officer or employee of the Department in execution of duties authorized by act; punishment.**—That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this Act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than \$1,000, or be imprisoned not more than one year, or both. (Aug. 11, 1916, sec. 10, 39 Stat. 485; 7 U. S. C., sec. 86.)

**344. Effect of partial invalidity of act.**—That if any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered. (Aug. 11, 1916, sec. 11, 39 Stat. 485; 7 U. S. C., sec. 87.)

#### NAVAL STORES ACT

**345. Title of act.**—That, for convenience of reference, this Act may be designated and cited as "The Naval Stores Act." (Mar. 3, 1923, sec. 1, 42 Stat. 1435; 7 U. S. C., sec. 91.)

**346. Definitions.**—That, when used in this Act—

- (a) "Naval stores" means spirits of turpentine and rosin.
- (b) "Spirits of turpentine" includes gum spirits of turpentine and wood turpentine.
- (c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.
- (d) "Wood turpentine" includes steam-distilled wood turpentine and destructively distilled wood turpentine.
- (e) "Steam-distilled wood turpentine" means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

(f) "Destructively distilled wood turpentine" means wood turpentine obtained in the destructive distillation of the wood.

(g) "Rosin" includes gum rosin and wood rosin.

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

(i) "Wood rosin" means rosin remaining after the distillation of steam-distilled wood turpentine.

(j) "Package" means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

(k) "Person" includes partnerships, associations, and corporations, as well as individuals.

(l) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession of the District of Columbia. (Mar. 3, 1923, sec. 2, 42 Stat. 1435; 7 U. S. C., sec. 92.)

**347. Establishment of official naval store standards.**—That for the purposes of this Act the kinds of spirits of turpentine defined in subdivisions (c), (e), and (f) of section 2 [7 U. S. C., sec. 92] hereof and the rosin types heretofore prepared and recommended under existing laws, by or under authority of the Secretary of Agriculture, are hereby made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least three months' notice of the proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same. No such standard shall become effective until after three months from the date of the promulgation thereof. Any standard made by this Act or established and promulgated by the Secretary of Agriculture in accordance therewith may be modified by said Secretary, whenever, for reasons and causes deemed by him sufficient, the interests of the trade shall so require, after at least six months' notice of the proposed modifications shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same; and no such modification so made shall become effective until after six months from the date when made.

The various grades of rosin, from highest to lowest, shall be designated, unless and until changed, as hereinbefore provided, by the following letters, respectively: X, WW, WG, N, M, K, I, H, G, F, E, D, and B, together with the designation "gum rosin" or "wood rosin", as the case may be.

The standards herein made and authorized to be made shall be known as the "Official Naval Stores Standards of the United States", and may be referred to by the abbreviated expression "United States Standards", and shall be the standards by which all naval stores in commerce shall be graded and described. (Mar. 3, 1923, sec. 3, 42 Stat. 1435; 7 U. S. C., sec. 93.)

**348. Duplicates of official standards; analysis, classification, and grading; certificates.**—That the Secretary of Agriculture shall provide, if prac-

ticable, any interested person with duplicates of the official naval stores standards of the United States upon request accompanied by tender of satisfactory security for the return thereof, under such regulations as he may prescribe. The Secretary of Agriculture shall examine, if practicable, upon request of any interested person, any naval stores and shall analyze, classify, or grade the same on tender of the cost thereof as required by him, under such regulations as he may prescribe. He shall furnish a certificate showing the analysis, classification, or grade of such naval stores, which certificate shall be *prima facie* evidence of the analysis, classification, or grade of such naval stores and of the contents of any package from which the same may have been taken, as well as of the correctness of such analysis, classification, or grade and shall be admissible as such in any court. (Mar. 3, 1923, sec. 4, 42 Stat. 1436; 7 U. S. C., sec 94.)

**349. Prohibition of acts deemed injurious to commerce in naval stores.**—That the following acts are hereby declared injurious to commerce in naval stores and are hereby prohibited and made unlawful:

(a) The sale in commerce of any naval stores, or of anything offered as such, except under or by reference to United States standards.

(b) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

(c) The use in commerce of the word "turpentine" or the word "rosin", singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for sale, advertising, or shipping anything other than naval stores of the United States standards.

(d) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such. (Mar. 3, 1923, sec. 5, 42 Stat. 1436; 7 U. S. C., sec. 95.)

**350. Punishment.**—That any person willfully violating any provision of section 5 of this Act [7 U. S. C., sec. 95] shall on conviction, be punished for each offense by a fine not exceeding \$5,000 or by imprisonment for not exceeding one year, or both. (Mar. 3, 1923, sec. 6, 42 Stat. 1436; 7 U. S. C., sec. 96.)

**351. Purchase and analysis by Secretary of samples; reports; publication of results.**—That the Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this Act. He shall report to the Department of Justice for appropriate action any violation of this Act coming to his knowledge. He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him any provision of this Act. (Mar. 3, 1923, sec 7, 42 Stat 1436; 7 U. S. C., sec. 97.)

**352. Appropriations for administration and enforcement of act.**—That there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the administration and enforcement of this Act, and

within the limits of such sums the Secretary of Agriculture is authorized to employ such persons and means and make such expenditures for printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel and supplies, and all other expenses as shall be necessary in the District of Columbia and elsewhere. (Mar. 3, 1923, sec. 8, 42 Stat. 1436; 7 U. S. C., sec. 98.)

**353. Partial invalidity of act.**—That if any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (Mar. 3, 1923, sec. 9, 42 Stat. 1437; 7 U. S. C., sec. 99.)

#### IMPORTATION OF ADULTERATED SEEDS ACT

**354. General prohibition against importation; exceptions.**—That from and after six months after the passage of this Act the importation into the United States of seeds of alfalfa, barley, Canadian blue grass, Kentucky blue grass, awnless brome grass, buckwheat, clover, field corn, Kafir corn, meadow fescue, flax, millet, oats, orchard grass, rape, rye, sorghum, timothy, vetch, rye grass, and wheat, or mixtures of seeds containing any of such seeds as one of the principal component parts, which are adulterated or unfit for seeding purposes under the terms of this Act, is hereby prohibited; and the Secretary of the Treasury and the Secretary of Agriculture shall, jointly or severally, make such rules and regulations as will prevent the importation of such seeds into the United States: *Provided, however,* That such seed may be delivered to the owner or consignee thereof under bond, to be recleaned in accordance with and subject to such regulations as the Secretary of the Treasury may prescribe, and when cleaned to the standard of purity specified in this Act for admission into the United States such seed may be released to the owner or consignee thereof after the screenings and other refuse removed from such seed shall have been disposed of in a manner prescribed by the Secretary of Agriculture: *Provided further,* That this Act shall not apply to the importation of barley, buckwheat, field corn, Kafir corn, sorghum, flax, broomcorn millet, early fortune millet, oats, rye, or wheat not intended for seeding purposes, when shipped in bond through the United States or imported for the purpose of manufacture, but such shipment shall be subject to provisions of the Act of August fifth, nineteen hundred and nine. (Aug. 24, 1912, sec. 1, 37 Stat. 506; Aug. 11, 1916, 39 Stat. 453; Apr. 26, 1926, sec. 1, 44 Stat. 325; 7 U. S. C., sec. 111.)

**355. Seed considered adulterated.**—That seed shall be considered adulterated within the meaning of this Act—

First. When seed of red clover contains more than three per centum by weight of seed of yellow trefoil, or any other seed of similar appearance to and of lower market value than seed of red clover.

Second. When seed of alfalfa contains more than three per centum by weight of seed of yellow trefoil, burr clover, and sweet clover, singly or combined.

Third. When any kind or variety of the seeds, or any mixture described in section one of this Act [7 U. S. C., sec. 111], contains more

than five per centum by weight of seed of another kind or variety of lower market value and of similar appearance: *Provided*, That the mixture of the seed of white and alsike clover, red and alsike clover, or alsike clover and timothy, shall not be deemed an adulteration under this section. (Aug. 24, 1912, sec. 2, 37 Stat. 507; 7 U. S. C., sec. 112.)

**356. Seed considered unfit for seeding.**—That seed shall be considered unfit for seeding purposes within the meaning of this Act—

First. When any kind or variety of clover or alfalfa seed contains more than one seed of dodder to five grams of clover or alfalfa seed, respectively.

Second. When any kind or variety of the seeds or any mixture described in section one of this Act contains more than three per centum by weight of seeds of weeds. Hereafter, when any kind of variety or mixture of the seeds subject to the provisions of said Act of August twenty-fourth, nineteen hundred and twelve, as hereby amended, shall contain less than sixty-five per centum of live pure seed as distinguished from dead seed, chaff, dirt, other seeds, or foreign matter, such seeds or mixtures thereof shall be deemed unfit for seeding purposes within the meaning of said Act approved August twenty-fourth, nineteen hundred and twelve, and the importation of such seed or mixture thereof is prohibited: *Provided, however*, That seed of Kentucky blue grass and seed of Canada blue grass shall not be considered unfit for seeding purposes when they contain fifty per centum or more of live pure seed. (Aug. 24, 1912, sec. 3, 37 Stat. 507; Aug. 11, 1916, 39 Stat. 453; 7 U. S. C., sec. 113.)

**357. Violation of act; punishment; sale of seed imported for manufacturing purposes.**—That any person or persons who shall knowingly violate the provisions of this Act, shall be deemed guilty of a misdemeanor and shall pay a fine of not exceeding five hundred dollars and not less than two hundred dollars: *Provided*, That any person or persons who shall knowingly sell for seeding purposes seeds or grain which were imported under the provisions of this Act for the purpose of manufacture shall be deemed guilty of a violation of this Act. (Aug. 24, 1912, sec. 4, 37 Stat. 507; 7 U. S. C., sec. 114.)

**358. Alfalfa or red clover; importation regulated.**—(a) On and after the effective date of this subdivision the importation into the United States of seeds of alfalfa or red clover, or any mixture of seed containing 10 per centum or more of the seeds of alfalfa and/or red clover, is prohibited unless such seeds are colored in such manner and to such extent as the Secretary of Agriculture may prescribe and, when practicable, the color used shall indicate the country or region of origin.

(b) Whenever the Secretary of Agriculture, after public hearing, determines that seeds of alfalfa or red clover from any foreign country or region are not adapted for general agricultural use in the United States he shall publish such determination. On and after the expiration of ninety days after the date of such publication and until such determination is revoked the importation into the United States of any of such seeds, or of any mixture of seeds containing 10 per centum or more of such seeds of alfalfa and/or red clover, is prohibited, unless at least 10 per centum of the seeds in each container is stained a red color, in accordance with such regulations as the Secretary of Agriculture may prescribe.

(c) The Secretary of the Treasury and the Secretary of Agriculture shall jointly prescribe such rules and regulations as may be necessary to prevent the importation into the United States of any seeds the importation of which is prohibited.

(d) Subdivision (a) of this section shall become effective upon the expiration of thirty days after the date of the passage of this amendatory Act. (Apr. 26, 1926, sec. 2, 44 Stat. 325; 7 U. S. C., sec. 115.)

**359. Misbranded seed; confiscation.**—(a) No person shall transport, deliver for transportation, sell, or offer for sale, in interstate commerce, any seed which is misbranded within the meaning of this section; except that this section shall not apply to any common carrier in respect of any seed transported or delivered for transportation in the ordinary course of its business as a common carrier.

(b) Any misbranded seed shall be liable to be proceeded against in the district court of the United States for any judicial district in which it is found, and to be seized for confiscation by a process of libel for condemnation, if such seed is being—

(1) Transported in interstate commerce; or

(2) Held for sale or exchange after having been so transported.

(c) If such seed is condemned by the court as misbranded, it shall be disposed of in the discretion of the court—

(1) By sale; or

(2) By delivery to the owner thereof upon the payment of the legal costs and charges, and the execution and delivery of a good and sufficient bond to the effect that such seed will not be sold or disposed of in any jurisdiction contrary to the provisions of this Act or the laws of such jurisdiction; or

(3) By destruction.

(d) If such seed is disposed of by sale, the proceeds of the sale, less the legal costs and charges, shall be paid into the Treasury as miscellaneous receipts.

(e) Proceedings in such libel cases shall conform, as nearly as may be, to suits in rem in admiralty, except that either party may demand trial by jury on any issue of fact if the value in controversy exceeds \$20; and facts so tried shall not be reexamined other than in accordance with the rules of the common law. All such proceedings shall be at the suit and in the name of the United States. The Supreme Court of the United States and, under its direction, other courts of the United States are authorized to prescribe rules regulating such proceedings in any particular not provided by law.

(f) As used in this section—

(1) The term "person" means individual, partnership, corporation, or association;

(2) The term "interstate commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any other State, Territory, or possession, or the District of Columbia; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia; and

(3) The term "district court of the United States" includes any court exercising the powers of a district court of the United States.

(g) For the purposes of this section, seed shall be held to be misbranded if—

(1) The container thereof, or the invoice relating thereto, or any advertising pertaining thereto, bears or contains any statement, design, or device that is false and fraudulent; or

(2) If such seed is required to be colored, under the provisions of section 5 [7 U. S. C., sec. 115] and the regulations issued thereunder, and is not so colored; or

(3) If such seed is colored in imitation of seed required to be colored under the provisions of section 5 and the regulations issued thereunder.

(h) The Secretary of Agriculture is authorized to prescribe such regulations as may be necessary for carrying out the provisions of this section.

(i) This section shall take effect upon the date of the passage of this amendatory Act; but no penalty or condemnation shall be enforced for any violation of this section occurring within thirty days after such date. (Apr. 26, 1926, sec. 2, 44 Stat. 325, 7 U. S. C., sec. 116.)

#### INSECTICIDES ACT

**360. Manufacture of adulterated or misbranded articles prohibited; punishment.**—That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any insecticide, Paris green, lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not to exceed two hundred dollars for the first offense, and upon conviction for each subsequent offense be fined not to exceed three hundred dollars, or sentenced to imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court. (Apr. 26, 1910, sec. 1, 36 Stat. 331; 7 U. S. C., sec. 125.)

**361. Transportation or sale of adulterated or misbranded articles.**—That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, of any insecticide, or Paris green, or lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this Act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver, to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or any Territory of the United States any such adulterated or misbranded insecticide, or Paris green, or lead arsenate, or fungicide, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not

exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser; but if said articles shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act. (Apr. 26, 1910, sec. 2, 36 Stat. 331; 7 U. S. C., sec. 126.)

**362. Regulations; collection and examination of specimens.**—That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of insecticides, Paris greens, lead arsenates, and fungicides manufactured or offered for sale in the District of Columbia or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country or intended for shipment to any foreign country, or which may be submitted for examination by the director of the experiment station of any State, Territory, or the District of Columbia (acting under the direction of the Secretary of Agriculture), or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country. (Apr. 26, 1910, sec. 3, 36 Stat. 331; Mar. 4, 1913, sec. 137 Stat. 736; 7 U. S. C., sec. 127.)

**363. Examination of specimens; notice to party and hearing; certification to district attorneys.**—That the examination of specimens of insecticides, Paris greens, lead arsenates, and fungicides shall be made in the Food, Drug, and Insecticide Administration, or in such other branches of the Department of Agriculture as the Secretary of Agriculture may direct, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens are adulterated or misbranded within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid. (Apr. 26, 1910, sec. 4, 36 Stat. 332; Jan. 18, 1927, 44 Stat. 1003; 7 U. S. C., sec. 128.)

**364. District attorneys to prosecute for violations of act.**—That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any director of experiment station or agent of any State, Territory, or the District of Columbia, under authority of the Secretary of Agriculture, shall present satisfactory evidences of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided. (Apr. 26, 1910, sec. 5, 36 Stat. 332; 7 U. S. C., sec. 129.)

**365. Definition of terms "insecticide", "Paris green", "lead arsenate", and "fungicide", as used in act.**—That the term "insecticide" as used in this Act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "Paris green" as used in this Act shall include the product sold in commerce as Paris green and chemically known as the aceto-arsenite of copper. The term "lead arsenate" as used in this Act shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid ( $H_3AsO_4$ ) by replacing one or more hydrogen atoms by lead. That the term "fungicide" as used in this Act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever. (Apr. 26, 1910, sec. 6, 36 Stat. 332; 7 U. S. C., sec. 122.)

**366. Articles deemed adulterated.**—That for the purpose of this Act an article shall be deemed to be adulterated—

**Paris green.**—In the case of Paris green: First, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

**Lead arsenate.**—In the case of lead arsenate: First, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxid ( $As_2O_5$ ); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxid ( $As_2O_5$ ); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength: *Provided, however,* That extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

**Other insecticides or fungicides.**—In the case of insecticides or fungicides, other than Paris green and lead arsenate: First, if the strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances

which, although preventing, destroying, repelling, or mitigating insects, shall be injurious to such vegetation when used. (Apr. 26, 1910, sec. 7, 36 Stat. 332; 7 U. S. C., sec. 130.)

**367. When articles deemed "misbranded"; labels.**—That the term "misbranded" as used herein shall apply to all insecticides, Paris greens, lead arsenates, or fungicides, or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, Paris greens, lead arsenates, or fungicides which are falsely branded as to the State, Territory, or country in which they are manufactured or produced.

**Articles deemed misbranded.**—That for the purpose of this Act an article shall be deemed to be misbranded—

**Insecticides, Paris greens, lead arsenates, and fungicides.**—In the case of insecticides, Paris greens, lead arsenates, and fungicides: First, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

**Insecticides (other than Paris greens and lead arsenates) and fungicides.**—In the case of insecticides (other than Paris greens and lead arsenates) and fungicides: First, if it contains arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel, or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label: *Provided, however,* That in lieu of naming and stating the percentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except insofar as to state the total percentage of inert ingredients present. (Apr. 26, 1910, sec. 8, 36 Stat. 333; 7 U. S. C., sec. 131.)

**368. Guaranty of wholesaler, etc., as protection to dealer.**—That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to

such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act. (Apr. 26, 1910, sec. 9, 36 Stat. 334; 7 U. S. C., sec. 132.)

369. Seizure and condemnation of adulterated or misbranded articles; disposition of articles or proceeds; jury trial.—That any insecticide, Paris green, lead arsenate, or fungicide that is adulterated or misbranded within the meaning of this Act and is being transported from one State, Territory, or District, to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or any Territory of the United States, or if it be imported from a foreign country for sale, shall be liable to be proceeded against in any district court of the United States within the district wherein the same is found and seized for confiscation by a process of libel for condemnation.

And if such article is condemned as being adulterated or misbranded, within the meaning of this Act, the same shall be disposed of by destruction or sale as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act or the laws of any State, Territory, or District, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. (Apr. 26, 1910, sec. 10, 36 Stat. 334; 7 U. S. C., sec. 133.)

370. Importation; examination; exclusion if adulterated; destruction or exportation; delivery of goods pending examination.—That the Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request, from time to time, samples of insecticides, Paris greens, lead arsenates, and fungicides which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony; and if it appear from the examination of such samples that any insecticide, or Paris green, or lead arsenate, or fungicide offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction or [of] any goods refused delivery which shall not be exported by the consignee within three months from

the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee. (Apr. 26, 1910, sec. 11, 36 Stat. 334; 7 U. S. C., sec. 134.)

**371. "Territory", "person" defined; liability of principal for act of agent.**—That the term "Territory", as used in this Act, shall include the District of Alaska and the insular possessions of the United States. The word "person," as used in this Act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the other person. (Apr. 26, 1910, sec. 12, 36 Stat. 335; 7 U. S. C., secs. 123, 124.)

**372. Title of act.**—That this Act shall be known and referred to as "The insecticide Act of 1910." (Apr. 26, 1910, sec. 13, 36 Stat. 335; 7 U. S. C., sec. 121.)

#### INSECT PESTS GENERALLY

**373. Interstate transportation or removal of insect pests prohibited.**—That no railroad, steamboat, express, stage, or other transportation company shall knowingly transport from one State or Territory into any other State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, or from a foreign country into the United States, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop-plant louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvae of any insect injurious as aforesaid, except when shipped for scientific purposes under the regulations hereinafter provided for; nor shall any person remove from one State or Territory into another State or Territory, or from a foreign country into the United States, or from a State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, except for scientific purposes under the regulations hereinafter provided for, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop-plant louse, boll

weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid. (Mar. 3, 1905, sec. 1, 33 Stat. 1269; 7 U. S. C., sec. 141.)

**374. Letters or parcels containing insect pests nonmailable; punishment.**—That any letter, parcel, box, or other package containing the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop-plant louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees, or any letter, parcel, box, or package which contains the eggs, pupæ or larvæ of any insect injurious as aforesaid, whether sealed as first-class matter or not, is hereby declared to be nonmailable matter, except when mailed for scientific purposes under the regulations hereinafter provided for, and shall not be conveyed in the mails, nor delivered from any post office, nor by any letter carrier, except when mailed for scientific purposes under the regulations hereinafter provided for; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable matter, or cause the same to be taken from the mails for the purpose of retaining, circulating, or disposing of, or of aiding in the retention, circulation, or disposition of the same shall, for each and every offense, be fined, upon conviction thereof, not more than five thousand dollars or imprisoned at hard labor not more than five years, or both, at the discretion of the court: *Provided*, That nothing in this Act shall authorize any person to open any letter or sealed matter of the first-class not addressed to himself. (Mar. 3, 1905, sec. 2, 33 Stat. 1270; 7 U. S. C., sec. 142.)

**375. Regulations for mailing, transporting, etc., for scientific purposes.**—That it shall be the duty of the Secretary of Agriculture, and he is hereby authorized and directed to prepare and promulgate rules and regulations under which the insects covered by sections one and two of this Act [7 U. S. C., secs. 141, 142] may be mailed, shipped, transported, delivered, and removed, for scientific purposes, from one State or Territory into another State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, and any insects covered by sections one and two of this Act may be so mailed, shipped, transported, delivered, and removed, for scientific purposes, under the rules and regulations of the Secretary of Agriculture: *Provided*, That the rules and regulations of the Secretary of Agriculture, insofar as they affect the method of mailing insects, shall be approved by the Postmaster General, and nothing in this Act shall be construed to prevent any State from making and enforcing laws in furtherance of the purposes of this Act, prohibiting or regulating the admission into that State of insects from a foreign country. (Mar. 3, 1905, sec. 3, 33 Stat. 1270; 7 U. S. C., sec. 143.)

**376. Punishment for unlawful transportation or removal.**—That any person, company, or corporation who shall knowingly violate the provisions of section one of this Act shall, for each offense, be fined, upon conviction thereof, not more than five thousand dollars or im-

prisoned at hard labor not more than five years, or both, at the discretion of the court. (Mar. 3, 1905, sec. 4, 33 Stat. 1270; 7 U. S. C., sec. 144.)

#### NURSERY STOCK AND OTHER PLANTS AND PLANT PRODUCTS

**377. Restrictions on importation of nursery stock; exceptions.**—That it shall be unlawful for any person to import or offer for entry into the United States any nursery stock unless an[d] until a permit shall have been issued therefor by the Secretary of Agriculture, under such conditions and regulations as the said Secretary of Agriculture may prescribe, and unless such nursery stock shall be accompanied by a certificate of inspection, in manner and form as required by the Secretary of Agriculture, of the proper official of the country from which the importation is made, to the effect that the stock has been thoroughly inspected and is believed to be free from injurious plant diseases and insect pests: *Provided*, That the Secretary of Agriculture shall issue the permit for any particular importation of nursery stock when the conditions and regulations as prescribed in this Act shall have been complied with: *Provided further*, That nursery stock may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the said Secretary of Agriculture may prescribe: *And provided further*, That nursery stock imported from countries where no official system of inspection for such stock is maintained may be admitted upon such conditions and under such regulations as the Secretary of Agriculture may prescribe. (Aug. 20, 1912, sec. 1, 37 Stat. 315; 7 U. S. C., sec. 154.)

**378. Arrival of nursery stock at port of entry; notification; requirements as to interstate shipment from port of entry.**—That it shall be the duty of the Secretary of the Treasury promptly to notify the Secretary of Agriculture of the arrival of any nursery stock at port of entry; that the person receiving such stock at port of entry shall, immediately upon entry and before such stock is delivered for shipment or removed from the port of entry, advise the Secretary of Agriculture or, at his direction, the proper State, Territorial, or District official of the State or Territory or the District to which such nursery stock is destined, or both, as the Secretary of Agriculture may elect, of the name and address of the consignee, the nature and quantity of the stock it is proposed to ship, and the country and locality where the same was grown. That no person shall ship or offer for shipment from one State or Territory or District of the United States into any other State or Territory or District, any nursery stock imported into the United States without notifying the Secretary of Agriculture or, at his direction, the proper State, Territorial, or District official of the State or Territory or District to which such nursery stock is destined, or both, as the Secretary of Agriculture may elect, immediately upon the delivery of the said stock for shipment, of the name and address of the consignee, of the nature and quantity of stock it is proposed to ship, and the country and locality where the same was grown, unless and until such imported stock has been inspected by the proper official of a State, Territory, or District of the United States. (Aug. 20, 1912, sec. 2, 37 Stat. 316; 7 U. S. C., sec. 156.)

379. **Marking packages of imported nursery stock for entry.**—That no person shall import or offer for entry into the United States any nursery stock unless the case, box, package, crate, bale, or bundle thereof shall be plainly and correctly marked to show the general nature and quantity of the contents, the country and locality where the same was grown, the name and address of the shipper, owner, or person shipping or forwarding the same, and the name and address of the consignee. (Aug. 20, 1912, sec. 3, 37 Stat. 316; 7 U. S. C., sec. 157.)

380. **Marking packages of interstate nursery stock for interstate movement.**—That no person shall ship or deliver for shipment from one State or Territory or District of the United States into any other State or Territory or District any such imported nursery stock the case, box, package, crate, bale, or bundle whereof is not plainly marked so as to show the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where such stock was grown, unless and until such imported stock has been inspected by the proper official of a State, Territory, or District of the United States. (Aug. 20, 1912, sec. 4, 37 Stat. 316; 7 U. S. C., sec. 158.)

381. **Restriction on importation of plants, etc., other than nursery stock; previous sections of act made applicable; hearings.**—That whenever the Secretary of Agriculture shall determine that the unrestricted importation of any plants, fruits, vegetables, roots, bulbs, seeds, or other plant products not included by the term "nursery stock" as defined in section six of this Act [7 U. S. C., sec. 152] may result in the entry into the United States or any of its Territories or Districts of injurious plant diseases or insect pests, he shall promulgate his determination, specifying the class of plants and plant products the importation of which shall be restricted and the country and locality where they are grown, and thereafter, and until such promulgation is withdrawn, such plants and plant products imported or offered for import into the United States or any of its Territories or Districts shall be subject to all the provisions of the foregoing sections of this Act: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that the unrestricted importation of any plants, fruits, vegetables, roots, bulbs, seeds, or other plant products not included by the term "nursery stock" as defined in section six [7 U. S. C., sec. 152] of this Act may result in the entry into the United States or any of its Territories or Districts of injurious plant diseases or insect pests he shall, after due notice, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney. (Aug. 20, 1912, sec. 5, 37 Stat. 316; 7 U. S. C., sec. 159.)

382. **"Nursery stock" defined.**—That for the purpose of this act the term "nursery stock" shall include all field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots. (Aug. 20, 1912, sec. 6, 37 Stat. 317; 7 U. S. C., sec. 152.)

**383. Importations of nursery stock and other plants prohibited on determination of the necessity thereof by the Secretary of Agriculture; hearings.**—That whenever, in order to prevent the introduction into the United States of any tree, plant, or fruit disease or of any injurious insect, new to or not theretofore widely prevalent or distributed within and throughout the United States, the Secretary of Agriculture shall determine that it is necessary to forbid the importation into the United States of any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products from a country or locality where such disease or insect infestation exists, he shall promulgate such determination, specifying the country and locality and the class of nursery stock or other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products which, in his opinion, should be excluded. Following the promulgation of such determination by the Secretary of Agriculture, and until the withdrawal of the said promulgation by him, the importation of the class of nursery stock or of other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the said promulgation from the country and locality therein named, regardless of the use for which the same is intended, is hereby prohibited; and until the withdrawal of the said promulgation by the Secretary of Agriculture, and notwithstanding that such class of nursery stock, or other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products be accompanied by a certificate of inspection from the country of importation, no person shall import or offer for entry into the United States from any country or locality specified in such promulgation, any of the class of nursery stock or of other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products named therein, regardless of the use for which the same is intended: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to forbid the importation into the United States of the articles named in this section he shall, after due notice to interested parties, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney: *Provided further*, That the quarantine provisions of this section, as applying to the white-pine blister rust, potato wart, and the Mediterranean fruit fly, shall become and be effective upon the passage of this Act. (Aug. 20, 1912, sec. 7, 37 Stat. 317; 7 U. S. C., sec. 160.)

**384. Importation for scientific purposes.**—That hereafter any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products of which the importation may be forbidden from any country or locality under the provisions of section seven of the plant quarantine Act approved August twentieth, nineteen hundred and twelve (Thirty-seventh Statutes, page three hundred and fifteen) [7 U. S. C., sec. 160], may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the said Secretary of Agriculture may prescribe. (Mar. 4, 1913, 37 Stat. 854; 7 U. S. C., sec. 155.)

**385. Quarantine of States; interstate shipment of nursery stock or other plants from quarantined areas prohibited except under Secretary's**

regulations; hearing; State quarantines authorized as to pests and diseases not subject of Federal quarantines; nursery stock and other plants entering State in violation of Federal quarantine subject to State law.—That the Secretary of Agriculture is authorized and directed to quarantine any State, Territory, or District of the United States, or any portion thereof, when he shall determine that such quarantine is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States; and the Secretary of Agriculture is directed to give notice of the establishment of such quarantine to common carriers doing business in or through such quarantined area, and shall publish in such newspapers in the quarantined area as he shall select notice of the establishment of quarantine. That no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine except as hereinafter provided. That it shall be unlawful to move, or allow to be moved, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from any quarantined State or Territory or District of the United States or quarantined portion thereof, into or through any other State or Territory or District, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. That it shall be the duty of the Secretary of Agriculture, when the public interests will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, and method and manner of delivery and shipment of the class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from a quarantined State or Territory or District of the United States, or quarantined portion thereof, into or through any other State or Territory or District; and the Secretary of Agriculture shall give notice of such rules and regulations as hereinbefore provided in this section for the notice of the establishment of quarantine: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to quarantine any State, Territory, or District of the United States, or portion thereof, under the authority given in this section, he shall,

after due notice to interested parties, give a public hearing under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney: *Provided further*, That until the Secretary of Agriculture shall have made a determination that such a quarantine is necessary and has duly established the same with reference to any dangerous plant disease or insect infestation, as hereinabove provided, nothing in this Act shall be construed to prevent any State, Territory, Insular Possession, or District from promulgating, enacting, and enforcing any quarantine, prohibiting or restricting the transportation of any class of nursery stock, plant, fruit, seed, or other product or article subject to the restrictions of this section, into or through such State, Territory, District, or portion thereof, from any other State, Territory, District, or portion thereof, when it shall be found, by the State, Territory, or District promulgating or enacting the same, that such dangerous plant disease or insect infestation exists in such other State, Territory, District, or portion thereof: *Provided further*, That the Secretary of Agriculture is hereby authorized, whenever he deems such action advisable and necessary to carry out the purposes of this Act, to cooperate with any State, Territory, or District, in connection with any quarantine, enacted or promulgated by such State, Territory, or District, as specified in the preceding proviso: *Provided further*, That any nursery stock, plant, fruit, seed, or other product or article, subject to the restrictions of this section, a quarantine with respect to which shall have been established by the Secretary of Agriculture under the provisions of this Act shall, when transported to, into, or through any State, Territory, or District, in violation of such quarantine, be subject to the operation and effect of the laws of such State, Territory, or District, enacted in the exercise of its police powers, to the same extent and in the same manner as though such nursery stock, plant, fruit, seed, or other product or article had been produced in such State, Territory, or District, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. (Aug. 20, 1912, sec. 8, 37 Stat. 318; Mar. 4, 1917, 39 Stat. 1165; Apr. 13, 1926, 44 Stat. 250; 7 U. S. C., sec. 161.)

**386. Regulations for carrying out the purposes of act.**—That the Secretary of Agriculture shall make and promulgate such rules and regulations as may be necessary for carrying out the purposes of this Act. (Aug. 20, 1912, sec. 9, 37 Stat. 318; 7 U. S. C., sec. 162.)

**387. General violations of act; forgery, alteration of certificates; proof of violations by common carrier; duty of United States attorney to prosecute; enforcement; search and seizure.**—That any person who shall violate any of the provisions of this Act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this Act or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court: *Provided*, That no common carrier shall be deemed to have violated the provisions of any of the foregoing sections of this Act on proof that such carrier did not knowingly receive for transportation or transport nursery stock or other plants

or plant products as such from one State, Territory, or District of the United States into or through any other State, Territory, or District; and it shall be the duty of the United States attorneys diligently to prosecute any violations of this Act which are brought to their attention by the Secretary of Agriculture or which come to their notice by other means.

That any employee of the Department of Agriculture, authorized by the Secretary of Agriculture to enforce the provisions of this Act and furnished with and wearing a suitable badge for identification, who has probable cause to believe that any person coming into the United States, or any vehicle, receptacle, boat, ship, or vessel, coming from any country or countries or moving interstate, possesses, carries, or contains any nursery stock, plants, plant products, or other articles the entry or movement of which in interstate or foreign commerce is prohibited or restricted by the provisions of this Act, or by any quarantine or order of the Secretary of Agriculture issued or promulgated pursuant thereto, shall have power to stop and, without warrant, to inspect, search, and examine such person, vehicle, receptacle, boat, ship, or vessel, and to seize, destroy, or otherwise dispose of, such nursery stock, plants, plant products, or other articles found to be moving or to have been moved in interstate commerce or to have been brought into the United States in violation of this Act or of such quarantine or order. (Aug. 20, 1912, sec. 10, 37 Stat. 318; May 1, 1928, 45 Stat. 468; 7 U. S. C., secs. 163, 164, 164a.)

**388. "Person" construed; corporations, etc., liable for acts, etc., of officers, agents, etc.**—That the word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person. (Aug. 20, 1912, sec. 11, 37 Stat. 319; 7 U. S. C., secs. 151, 153.)

**389. Federal Horticultural Board; composition thereof.**—Hereafter the functions of the Federal Horticultural Board shall devolve upon and be exercised by the Plant Quarantine and Control Administration, the chief of which shall serve ex-officio as chairman of an advisory Federal Plant Quarantine Board of five members, the four additional members to be designated by the Secretary of Agriculture from existing bureaus and offices of the Department of Agriculture, including the Bureau of Entomology, the Bureau of Plant Industry, and the Forest Service, and who shall serve without additional compensation. (Aug. 20, 1912, sec. 12, 37 Stat. 319; May 16, 1928, 45 Stat. 565; 7 U. S. C., sec. 165.)

**390. Terminal inspection by State; forwarding by postmasters of packages for inspection and disposition thereof; violations; punishment; regulations.**—That hereafter when any State shall provide for terminal inspection of plants and plant products, and shall establish and maintain, at the sole expense of the State, such inspection at one or more places therein, the proper officials of said State may submit to the

Secretary of Agriculture a list of plants and plant products, and the plant pests transmitted thereby, that in the opinion of said officials should be subject to terminal inspection in order to prevent the introduction or dissemination in said State of pests injurious to agriculture. Upon his approval of said list, in whole or in part, the Secretary of Agriculture shall transmit the same to the Postmaster General, and thereafter all packages containing any plants or plant products named in said approved lists shall, upon payment of postage therefor, be forwarded by the postmaster at the destination of said package to the proper State official at the nearest place where inspection is maintained. If the plant or plant products are found upon inspection to be free from injurious pests, or if infected shall be disinfected by said official, they shall upon payment of postage therefor be returned to the postmaster at the place of inspection to be forwarded to the person to whom they are addressed; but if found to be infected with injurious pests and incapable of satisfactory disinfection, the State inspector shall so notify the postmaster at the place of inspection, who shall promptly notify the sender of said plants or plant products that they will be returned to him upon his request and at his expense, or in default of such request that they will be turned over to the State authorities for destruction. On and after the passage and approval of this Act it shall be unlawful for any person, firm, or corporation to deposit in the United States mails any package containing any plant or plant product addressed to any place within a State maintaining inspection thereof, as herein defined, without plainly marking the package so that its contents may be readily ascertained by an inspection of the outside thereof. Whoever shall fail to so mark said packages shall be punished by a fine of not more than \$100. The Postmaster General is hereby authorized and directed to make all needful rules and regulations for carrying out the purposes hereof. (Mar. 4, 1915, 38 Stat. 1113; 7 U.S.C., sec. 166.)

**391. Provision relating to District of Columbia regarding shipment, inspection, seizure, destruction of plants; punishment.**—That in order further to control and eradicate and to prevent the dissemination of dangerous plant diseases and insect infections and infestations no plant or plant products for or capable of propagation, including nursery stock, hereinafter referred to as plants and plant products, shall be moved or allowed to be moved, shipped, transported, or carried by any means whatever into or out of the District of Columbia, except in compliance with such rules and regulations as shall be prescribed by the Secretary of Agriculture as hereinafter provided. Whenever the Secretary of Agriculture, after investigation, shall determine that any plants and plant products in the District of Columbia are infested or infected with insect pests and diseases and that any place, articles, and substances used or connected therewith are so infested or infected, written notice thereof shall be given by him to the owner or person in possession or control thereof, and such owner or person shall forthwith control or eradicate and prevent the dissemination of such insect pest or disease and shall remove, cut, or destroy such infested and infected plants, plant products, and articles and substances used or connected therewith, which are hereby declared to be nuisances, within the time and in the manner

required in said notice or by the rules and regulations of the Secretary of Agriculture. Whenever such owner or person cannot be found, or shall fail, neglect, or refuse to comply with the foregoing provisions of this section, the Secretary of Agriculture is hereby authorized and required to control and eradicate and prevent dissemination of such insect pest or disease and to remove, cut, or destroy infested or infected plants and plant products and articles and substances used or connected therewith, and the United States shall have an action of debt against such owner or persons for expenses incurred by the Secretary of Agriculture in that behalf. Employees of the Plant Quarantine and Control Administration are hereby authorized and required to inspect places, plants, and plant products and articles and substances used or connected therewith whenever the Secretary of Agriculture shall determine that such inspections are necessary for the purposes of this section. For the purpose of carrying out the provisions and requirements of this section and of the rules and regulations of the Secretary of Agriculture made hereunder, and the notices given pursuant thereto, employees of the Plant Quarantine and Control Administration shall have power with a warrant to enter into or upon any place and open any bundle, package, or other container of plants or plant products whenever they shall have cause to believe that infections or infestations of plant pests and diseases exist therein or thereon, and when such infections or infestations are found to exist, after notice by the Secretary of Agriculture to the owner or person in possession or control thereof and an opportunity by said owner or person to be heard, to destroy the infected or infested plants or plant products contained therein. The police court or the municipal court of the District of Columbia shall have power, upon information supported by oath or affirmation showing probable cause for believing that there exists in any place, bundle, package, or other container in the District of Columbia any plant or plant product which is infected or infested with plant pests or disease, to issue warrants for the search for and seizure of all such plants and plant products. It shall be the duty of the Secretary of Agriculture, and he is hereby required, from time to time, to make and promulgate such rules and regulations as shall be necessary to carry out the purposes of this section, and any person who shall move or allow to be moved, or shall ship, transport, or carry, by any means whatever, any plant or plant products from or into the District of Columbia, except in compliance with the rules and regulations prescribed under the section, shall be punished, as is provided in section 10 of this Act [7 U. S. C., sec. 163]. (Aug. 20, 1912, 37 Stat. 315; May 31, 1920, 41 Stat. 726; 7 U. S. C., sec. 167.)

#### PACKERS AND STOCKYARDS

##### TITLE I.—DEFINITIONS

**392. Short title of act.**—This Act may be cited as the “Packers and Stockyards Act, 1921.” (Aug. 15, 1921, sec. 1, 42 Stat. 159; 7 U. S. C., sec. 181.)

**393. “Persons”, “Secretary”, “meat-food products”, “livestock”, “livestock products”, “commerce”, “State” defined.**—(a) When used in this Act—

(1) The term "person" includes individuals, partnerships, corporations, and associations;

(2) The term "Secretary" means the Secretary of Agriculture;

(3) The term "meat-food products" means all products and by-products of the slaughtering and meat-packing industry—if edible;

(4) The term "livestock" means cattle, sheep, swine, horses, mules, or goats—whether live or dead;

(5) The term "livestock products" means all products and by-products (other than meats and meat-food products) of the slaughtering and meat-packing industry derived in whole or in part from livestock; and

(6) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia.

(b) For the purpose of this Act (but not in anywise limiting the foregoing definition) a transaction in respect to any article shall be considered to be in commerce if such article is part of that current of commerce usual in the livestock and meat-packing industries, whereby livestock, meats, meat-food products, livestock products, dairy products, poultry, poultry products, or eggs, are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for slaughter of livestock within the State and the shipment outside the State of the products resulting from such slaughter. Articles normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation. (Aug. 15, 1921, sec. 2, 42 Stat. 159; 7 U. S. C., secs. 182, 183.)

## TITLE II.—PACKERS

### 394. "Packer" defined.—When used in this Act—

The term "packer" means any person engaged in the business (a) of buying livestock in commerce for purposes of slaughter, or (b) of manufacturing or preparing meats or meat food products for sale or shipment in commerce, or (c) of manufacturing or preparing livestock products for sale or shipment in commerce, or (d) of marketing meats, meat food products, livestock products, dairy products, poultry, poultry products, or eggs, in commerce; but no person engaged in such business of manufacturing or preparing livestock products or in such marketing business shall be considered a packer unless—

(1) Such person is also engaged in any business referred to in clause (a) or (b) above or unless

(2) Such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, by himself or through his

agents, servants, or employees, any interest in any business referred to in clause (a) or (b) above, or unless

(3) Any interest in such business of manufacturing or preparing livestock products, or in such marketing business is owned or controlled, directly, or indirectly, through stock ownership or control or otherwise, by himself or through his agents, servants, or employees, by any person engaged in any business referred to in clause (a) or (b) above, or unless

(4) Any person or persons jointly or severally, directly or indirectly, through stock ownership or control or otherwise, by themselves or through their agents, servants, or employees, own or control in the aggregate 20 per centum or more of the voting power or control in such business of manufacturing or preparing livestock products, or in such marketing business and also 20 per centum or more of such power or control in any business referred to in clause (a) or (b) above. (Aug. 15, 1921, sec. 201, 42 Stat. 160; 7. U. S. C., sec. 191.)

**395.** Unlawful practices enumerated.—It shall be unlawful for any packer or any live-poultry dealer or handler to:

(a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in commerce; or

(b) Make or give, in commerce, any undue or unreasonable preference or advantage to any particular person or locality in any respect whatsoever, or subject, in commerce, any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; or

(c) Sell or otherwise transfer to or for any other packer or any live poultry dealer or handler, or buy or otherwise receive from or for any other packer or any live poultry dealer or handler, any article for the purpose or with the effect of apportioning the supply in commerce between any such packers or live poultry dealers or handlers, if such apportionment has the tendency or effect of restraining commerce or of creating a monopoly in commerce; or

(d) Sell or otherwise transfer to or for any other person, or buy or otherwise receive from or for any other person, any article for the purpose or with the effect of manipulating or controlling prices in commerce, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article in commerce, or of restraining commerce; or

(e) Engage in any course of business or do any act for the purpose or with the effect of manipulating or controlling prices in commerce, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article in commerce, or of restraining commerce; or

(f) Conspire, combine, agree, or arrange with any other person (1) to apportion territory for carrying on business in commerce, or (2) to apportion purchases or sales of any article in commerce, or (3) to manipulate or control prices in commerce; or

(g) Conspire, combine, agree, or arrange with any other person to do, or aid or abet the doing of, any act made unlawful by subdivision (a), (b), (c), (d), or (e). (Aug. 15, 1921, sec. 202, 42 Stat. 161; Aug. 14, 1935, sec. 503; Public, 272, 74th Cong.; 7 U. S. C., sec. 192.)

**396.** General procedure before Secretary for violations; complaint; hearing; intervention; report and order; service of process.—(a) Whenever

the Secretary has reason to believe that any packer has violated or is violating any provision of this title, he shall cause a complaint in writing to be served upon the packer, stating his charges in that respect, and requiring the packer to attend and testify at a hearing at a time and place designated therein, at least thirty days after the service of such complaint; and at such time and place there shall be afforded the packer a reasonable opportunity to be informed as to the evidence introduced against him (including the right of cross-examination), and to be heard in person or by counsel and through witness, under such regulations as the Secretary may prescribe. Any person for good cause shown may on application be allowed by the Secretary to intervene in such proceeding, and appear in person or by counsel. At any time prior to the close of the hearing the Secretary may amend the complaint; but in case of any amendment adding new charges the hearing shall, on the request of the packer, be adjourned for a period not exceeding fifteen days.

(b) If, after such hearing, the Secretary finds that the packer has violated or is violating any provisions of this title covered by the charges, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served on the packer an order requiring such packer to cease and desist from continuing such violation. The testimony taken at the hearing shall be reduced to writing and filed in the records of the Department of Agriculture.

(c) Until a transcript of the record in such hearing has been filed in a circuit court of appeals of the United States, as provided in section 204 [7 U. S. C., sec. 194], the Secretary at any time, upon such notice and in such manner as he deems proper, but only after reasonable opportunity to the packer to be heard, may amend or set aside the report or order, in whole or in part.

(d) Complaints, orders, and other processes of the Secretary under this section may be served in the same manner as provided in section 5 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914 [15 U. S. C., sec. 45]. (Aug. 15, 1921, sec. 203; 42 Stat. 161; 7 U. S. C., sec. 193.)

**397. Conclusiveness of order; appeal and review; temporary and final injunction.**—(a) An order made under section 203 [7 U. S. C., sec. 193] shall be final and conclusive unless within thirty days after service the packer appeals to the circuit court of appeals for the circuit in which he has his principal place of business, by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such packer will pay the costs of the proceedings if the court so directs.

(b) The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the complaint, the evidence, and the report and order. If before such transcript is filed the Secretary amends or sets aside his report or order, in whole

or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

(c) At any time after such transcript is filed the court, on application of the Secretary, may issue a temporary injunction restraining, to the extent it deems proper, the packer and his officers, directors, agents, and employees, from violating any of the provisions of the order pending the final determination of the appeal.

(d) The evidence so taken or admitted, duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way.

(e) The court may affirm, modify, or set aside the order of the Secretary.

(f) If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the hearing to be reopened for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of his order, with the return of such additional evidence.

(g) If the circuit court of appeals affirms or modifies the order of the Secretary, its decree shall operate as an injunction to restrain the packer, and his officers, directors, agents, and employees from violating the provisions of such order or such order as modified.

(h) The circuit court of appeals shall have exclusive jurisdiction to review, and to affirm, set aside, or modify, such orders of the Secretary, and the decree of such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 240 of the Judicial Code, if such writ is duly applied for within sixty days after entry of the decree. The issue of such writ shall not operate as a stay of the decree of the circuit court of appeals, insofar as such decree operates as an injunction, unless so ordered by the Supreme Court.

(i) For the purposes of this title the term "circuit court of appeals", in case the principal place of business of the packer is in the District of Columbia, means the United States Court of Appeals for the District of Columbia. (Aug. 15, 1921, sec. 204, 42 Stat. 162; 7 U. S. C., sec. 194.)

**398. Punishment for violation of order.**—Any packer, or any officer, director, agent, or employee of a packer, who fails to obey any order of the Secretary issued under the provisions of section 203 [7 U. S. C., sec. 193], or such order as modified—

(1) After the expiration of the time allowed for filing a petition in the circuit court of appeals to set aside or modify such order, if no such petition has been filed within such time; or

(2) After the expiration of the time allowed for applying for a writ of certiorari, if such order, or such order as modified, has been sustained by the circuit court of appeals and no such writ has been applied for within such time; or

(3) After such order, or such order as modified, has been sustained by the courts as provided in section 204 [7 U. S. C., sec. 194]: shall on conviction be fined not less than \$500 nor more than \$10,000, or imprisoned for not less than six months nor more than five years, or both. Each day during which such failure continues shall be deemed a separate offense. (Aug. 15, 1921, sec. 205, 42 Stat. 163; 7 U. S. C., sec. 195.)

### TITLE III.—STOCKYARDS

**399.** "Stockyard owner", "stockyard services", "market agency", "dealer", defined.—When used in this Act—

(a) The term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard;

(b) The term "stockyard services" means services or facilities furnished at a stockyard in connection with the receiving, buying or selling on a commission basis or otherwise, marketing, feeding, watering, holding, delivery, shipment, weighing, or handling, in commerce, of live stock;

(c) The term "market agency" means any person engaged in the business of (1) buying or selling in commerce livestock at a stockyard on a commission basis or (2) furnishing stockyard services; and

(d) The term "dealer" means any person, not a market agency, engaged in the business of buying or selling in commerce livestock at a stockyard, either on his own account or as the employee or agent of the vendor or purchaser. (Aug. 15, 1921, sec. 301, 42 Stat. 163; 7 U. S. C., sec. 201.)

**400.** "Stockyard" defined; posting yards subject to act.—(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passageways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition. (Aug. 15, 1921, sec. 302, 42 Stat. 163; 7 U. S. C., sec. 202.)

**401.** Registration of stockyard dealer or market agency; penalty for failure to register.—After the expiration of thirty days after the Secretary has given public notice that any stockyard is within the definition of section 302 [7 U. S. C., sec. 202], by posting copies of such notice in the stockyard, no person shall carry on the business of a market agency or dealer at such stockyard unless he has registered

with the Secretary under such rules and regulations as the Secretary may prescribe, his name and address, the character of business in which he is engaged and the kinds of stockyard services, if any, which he furnishes at such stockyard. Whoever violates the provisions of this section shall be liable to a penalty of not more than \$500 for each such offense and not more than \$25 for each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States. (Aug. 15, 1921, sec. 303, 42 Stat. 163; 7 U. S. C., sec. 203.)

**402. Duty as to services; State weighing.**—It shall be the duty of every stockyard owner and market agency to furnish upon reasonable request, without discrimination, reasonable stockyard services at such stockyard: *Provided*, That in any State where the weighing of livestock at a stockyard is conducted by a duly authorized department or agency of the State, the Secretary, upon application of such department or agency, may register it as a market agency for the weighing of livestock received in such stockyard, and upon such registration such department or agency and the members thereof shall be amenable to all the requirements of this Act; and upon failure of such department or agency or the members thereof to comply with the orders of the Secretary under this Act he is authorized to revoke the registration of such department or agency and to enforce such revocation as provided in section 315 of this Act [7 U. S. C., sec. 216]. (Aug. 15, 1921, sec. 304, 42 Stat. 164; May 5, 1926, 44 Stat. 397; 7 U. S. C., sec. 205.)

**403. Rates and charges generally; discrimination.**—All rates or charges made for any stockyard services furnished at a stockyard by a stockyard owner or market agency shall be just, reasonable, and nondiscriminatory, and any unjust, unreasonable, or discriminatory rate or charge is prohibited and declared to be unlawful. (Aug. 15, 1921, sec. 305, 42 Stat. 164; 7 U. S. C., sec. 206.)

**404. Schedule of rates; filing and exhibition; change in rates; suspension; penalties.**—(a) Within sixty days after the Secretary has given public notice that a stockyard is within the definition of section 302 [7 U. S. C., sec. 202], by posting copies of such notice in the stockyard, the stockyard owner and every market agency at such stockyard shall file with the Secretary, and print and keep open to public inspection at the stockyard, schedules showing all rates and charges for the stockyard services furnished by such person at such stockyard. If a market agency commences business at the stockyard after the expiration of such sixty days such schedules must be filed before any stockyard services are furnished.

(b) Such schedules shall plainly state all such rates and charges in such detail as the Secretary may require, and shall also state any rules or regulations which in any manner change, affect, or determine any part or the aggregate of such rates or charges, or the value of the stockyard services furnished. The Secretary may determine and prescribe the form and manner in which such schedules shall be prepared, arranged, and posted, and may from time to time make such changes in respect thereto as may be found expedient.

(c) No changes shall be made in the rates or charges so filed and published, except after ten days' notice to the Secretary and to the public filed and published as aforesaid, which shall plainly state the

changes proposed to be made and the time such changes will go into effect; but the Secretary may, for good cause shown, allow changes on less than ten days' notice, or modify the requirements of this section in respect to publishing, posting, and filing of schedules, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

(d) The Secretary may reject and refuse to file any schedule tendered for filing which does not provide and give lawful notice of its effective date, and any schedule so rejected by the Secretary shall be void and its use shall be unlawful.

(e) Whenever there is filed with the Secretary any schedule, stating a new rate or charge, or a new regulation or practice affecting any rate or charge, the Secretary may either upon complaint or upon his own initiative without complaint, at once, and if he so orders without answer or other formal pleading by the person filing such schedule, but upon reasonable notice, enter upon a hearing concerning the lawfulness of such rate, charge, regulation, or practice, and pending such hearing and decision thereon the Secretary, upon filing with such schedule and delivering to the person filing it a statement in writing of his reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, charge, regulation, or practice, but not for a longer period than thirty days beyond the time when it would otherwise go into effect; and after full hearing, whether completed before or after the rate, charge, regulation, or practice goes into effect, the Secretary may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If any such hearing cannot be concluded within the period of suspension the Secretary may extend the time of suspension for a further period not exceeding thirty days, and if the proceeding has not been concluded and an order made at the expiration of such thirty days, the proposed change of rate, charge, regulation, or practice shall go into effect at the end of such period.

(f) After the expiration of the sixty days referred to in subdivision (a) no person shall carry on the business of a stockyard owner or market agency unless the rates and charges for the stockyard services furnished at the stockyard have been filed and published in accordance with this section and the orders of the Secretary made thereunder; nor charge, demand, or collect a greater or less or different compensation for such services than the rates and charges specified in the schedules filed and in effect at the time; nor refund or remit in any manner any portion of the rates or charges so specified (but this shall not prohibit a cooperative association of producers from bona fide returning to its members, on a patronage basis, its excess earnings on their livestock, subject to such regulations as the Secretary may prescribe); nor extend to any person at such stockyard any stockyard services except such as are specified in such schedules.

(g) Whoever fails to comply with the provisions of this section or of any regulation or order of the Secretary made thereunder shall be liable to a penalty of not more than \$500 for each such offense, and not more than \$25 for each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

(h) Whoever willfully fails to comply with the provisions of this section or of any regulation or order of the Secretary made thereunder shall on conviction be fined not more than \$1,000, or imprisoned not more than one year, or both. (Aug. 15, 1921, sec. 306, 42 Stat. 164; 7 U. S. C., sec. 207.)

**405. Unjust, etc., practices prohibited.**—It shall be the duty of every stockyard owner and market agency to establish, observe, and enforce just, reasonable, and nondiscriminatory regulations and practices in respect to the furnishing of stockyard services, and every unjust, unreasonable, or discriminatory regulation or practice is prohibited and declared to be unlawful. (Aug. 15, 1921, sec. 307, 42 Stat. 165; 7 U. S. C., sec. 208.)

**406. Liability to individuals for violations; enforcement generally.**—(a) If any stockyard owner, market agency, or dealer violates any of the provisions of sections 304, 305, 306, or 307 [7 U. S. C., secs. 205–208], or of any order of the Secretary made under this title, he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

(b) Such liability may be enforced either (1) by complaint to the Secretary as provided in section 309 [7 U. S. C., sec. 210], or (2) by suit in any district court of the United States of competent jurisdiction; but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this Act are in addition to such remedies. (Aug. 15, 1921, sec. 308, 42 Stat. 165; 7 U. S. C., sec. 209.)

**407. Complaints, inquiries, reparation; suit on reparation order.**—(a) Any person complaining of anything done or omitted to be done by any stockyard owner, market agency, or dealer (hereinafter in this section referred to as the "defendant") in violation of the provisions of sections 304, 305, 306, or 307, or of an order of the Secretary made under this title, may, at any time within ninety days after the cause of action accrues, apply to the Secretary by petition which shall briefly state the facts, whereupon the complaint thus made shall be forwarded by the Secretary to the defendant, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be specified by the Secretary. If the defendant within the time specified make reparation for the injury alleged to be done he shall be relieved of liability to the complainant only for the particular violation thus complained of. If the defendant does not satisfy the complaint within the time specified, or there appears to be any reasonable ground for investigating the complaint, it shall be the duty of the Secretary to investigate the matters complained of in such manner and by such means as he deems proper.

(b) The Secretary, at the request of the live-stock commissioner, Board of Agriculture, or other agency of a State or Territory, having jurisdiction over stockyards in such State or Territory, shall investigate any complaint forwarded by such agency in like manner and with the same authority and powers as in the case of a complaint made under subdivision (a).

(c) The Secretary may at any time institute an inquiry on his own motion, in any case and as to any matter or thing concerning which a complaint is authorized to be made to or before the Secretary, by any provision of this title, or concerning which any question may

arise under any of the provisions of this title, or relating to the enforcement of any of the provisions of this title. The Secretary shall have the same power and authority to proceed with any inquiry instituted upon his own motion as though he had been appealed to by petition, including the power to make and enforce any order or orders in the case or relating to the matter or thing concerning which the inquiry is had, except orders for the payment of money.

(d) No complaint shall at any time be dismissed because of the absence of direct damage to the complaint.

(e) If after hearing on a complaint the Secretary determines that the complaint is entitled to an award of damages, the Secretary shall make an order directing the defendant to pay to the complainant the sum to which he is entitled on or before a day named.

(f) If the defendant does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may within one year of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the defendant or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. Such suit in the district court shall proceed in all respects like other civil suits for damages except that the findings and orders of the Secretary shall be *prima facie* evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee to be taxed and collected as a part of the costs of the suit. (Aug. 15, 1921, sec. 309, 42 Stat. 165; 7 U. S. C., sec. 210.)

**408. Rates, charges, and practices; orders.**—Whenever after full hearing upon a complaint made as provided in section 309 [ 7 U. S. C., sec. 210], or after full hearing under an order for investigation and hearing made by the Secretary on his own initiative, either in extension of any pending complaint or without any complaint whatever, the Secretary is of the opinion that any rate, charge, regulation, or practice of a stockyard owner or market agency, for or in connection with the furnishing of stockyard services, is or will be unjust, unreasonable, or discriminatory, the Secretary—

(a) May determine and prescribe what will be the just and reasonable rate or charge, or rates or charges, to be thereafter observed in such case, or the maximum or minimum, or maximum and minimum, to be charged, and what regulation or practice is or will be just, reasonable, and nondiscriminatory to be thereafter followed; and

(b) May make an order that such owner or operator (1) shall cease and desist from such violation to the extent to which the Secretary finds that it does or will exist; (2) shall not thereafter publish, demand, or collect any rate or charge for the furnishing of stockyard services other than the rate or charge so prescribed, or in excess of the maximum or less than the minimum so prescribed, as the case may be; and (3) shall conform to and observe the regulation or practice so prescribed. (Aug. 15, 1921, sec. 310; 42 Stat. 166; 7 U. S. C., sec. 211.)

**409. Interstate rates and practices; removal of discrimination against interstate.**—Whenever in any investigation under the provisions of this title, or in any investigation instituted by petition of the stockyard owner or market agency concerned, which petition is hereby authorized to be filed, the Secretary after full hearing finds that any rate, charge, regulation, or practice of any stockyard owner or market agency, for or in connection with the buying or selling on a commission basis or otherwise, receiving, marketing, feeding, holding, delivery, shipment, weighing, or handling, not in commerce, of livestock, causes any undue or unreasonable advantage, prejudice, or preference as between persons or localities in intrastate commerce in livestock on the one hand and interstate or foreign commerce in livestock on the other hand, or any undue, unjust, or unreasonable discrimination against interstate or foreign commerce in livestock, which is hereby forbidden and declared to be unlawful, the Secretary shall prescribe the rate, charge, regulation, or practice thereafter to be observed, in such manner as, in his judgment, will remove such advantage, preference, or discrimination. Such rates, charges, regulations, or practices shall be observed while in effect by the stockyard owners or market agencies parties to such proceeding affected thereby, the law of any State or the decision or order of any State authority to the contrary notwithstanding. (Aug. 15, 1921, sec. 311, 42 Stat. 167; 7 U. S. C., sec. 212.)

**410. Unfair practices; cease and desist orders.**—(a) It shall be unlawful for any stockyard owner, market agency, or dealer to engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in connection with the receiving, marketing, buying or selling on a commission basis or otherwise, feeding, watering, holding, delivery, shipment, weighing or handling, in commerce at a stockyard, of livestock.

(b) Whenever complaint is made to the Secretary by any person, or whenever the Secretary has reason to believe, that any stockyard owner, market agency, or dealer is violating the provisions of subdivision (a), the Secretary after notice and full hearing may make an order that he shall cease and desist from continuing such violation to the extent that the Secretary finds that it does or will exist. (Aug. 15, 1921, sec. 312, 42 Stat. 167; 7 U. S. C., sec. 213.)

**411. Taking effect of orders other than for payment of money.**—Except as otherwise provided in this Act, all orders of the Secretary under this title, other than orders for the payment of money, shall take effect within such reasonable time, not less than five days, as is prescribed in the order, and shall continue in force until his further order, or for a specified period of time, according as is prescribed in the order, unless such order is suspended or modified or set aside by the Secretary or is suspended or set aside by a court of competent jurisdiction. (Aug. 15, 1921, sec. 313, 42 Stat. 167; 7 U. S. C., sec. 214.)

**412. Failure to obey order; punishment.**—(a) Any stockyard owner, market agency, or dealer who knowingly fails to obey any order made under the provisions of sections 310, 311, or 312 [7 U. S. C., secs. 211-213] shall forfeit to the United States the sum of \$500 for each offense. Each distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate

offense. Such forfeiture shall be recoverable in a civil suit in the name of the United States.

(b) It shall be the duty of the various district attorneys, under the direction of the Attorney General, to prosecute for the recovery of forfeitures. The costs and expense of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. (Aug. 15, 1921, sec. 314, 42 Stat. 167; 7 U. S. C., sec. 215.)

**413. Court proceedings to enforce order; injunction.**—If any stockyard owner, market agency, or dealer fails to obey any order of the Secretary other than for the payment of money while the same is in effect, the Secretary, or any party injured thereby, or the United States by its Attorney General, may apply to the district court for the district in which such person has his principal place of business for the enforcement of such order. If after hearing the court determines that the order was lawfully made and duly served and that such person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such person, his officers, agents, or representatives from further disobedience of such order or to enjoin upon him or them obedience to the same. (Aug. 15, 1921, sec. 315, 42 Stat. 167; 7 U. S. C., sec. 216.)

**414. Proceedings for suspension of orders.**—For the purposes of this title, the provisions of all laws relating to the suspending or restraining the enforcement, operation, or execution of, or the setting aside in whole or in part the orders of the Interstate Commerce Commission, are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of this title, and to any person subject to the provisions of this title. (Aug. 15, 1921, sec. 316, 42 Stat. 168; 7 U. S. C., sec. 217.)

#### TITLE IV.—GENERAL PROVISIONS

**415. Accounts and records of business; punishment for failure to keep.**—Every packer, or any live poultry dealer or handler, stockyard owner, market agency, and dealer shall keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. Whenever the Secretary finds that the accounts, records, and memoranda of any such person do not fully and correctly disclose all transactions involved in his business, the Secretary may prescribe the manner and form in which such accounts, records, and memoranda shall be kept, and thereafter any such person who fails to keep such accounts, records, and memoranda in the manner and form prescribed or approved by the Secretary shall upon conviction be fined not more than \$5,000 or imprisoned not more than three years, or both. (Aug. 15, 1921, sec. 401, 42 Stat. 168; Aug. 14, 1935, sec. 503, Public 272, 74th Cong., 7 U. S. C., sec. 221.)

**416. Federal Trade Commission powers adopted for enforcement of chapter.**—For the efficient execution of the provisions of this Act, and in order to provide information for the use of Congress, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled “An Act to create a Federal Trade Commission, to define its powers

and duties, and for other purposes", approved September 26, 1914 [15 U. S. C., secs. 46, 48, 49, 50], are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of this Act and to any person subject to the provisions of this Act, whether or not a corporation. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States. (Aug. 15, 1921, sec. 402, 42 Stat. 168; 7 U. S. C., sec. 222.)

**417. Responsibility of principal for omission or act of agent.**—When construing and enforcing the provisions of this Act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any packer for any line-novelty dealer or handler, stockyard owner, market agency, or dealer, within the scope of his employment or office, shall in every case also be deemed the act, omission, or failure of such packer, stockyard owner, market agency, or dealer, as well as that of such agent, officer, or other person. (Aug. 15, 1921, sec. 403, 42 Stat. 168; Aug. 14, 1935, sec. 503, Public No. 272, 74th Cong.; 7 U. S. C., sec. 223.)

**418. Attorney General to institute court proceedings for enforcement.**—The Secretary may report any violation of this Act to the Attorney General of the United States, who shall cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay. (Aug. 15, 1921, sec. 404, 42 Stat. 168; 7 U. S. C., sec. 224.)

**419. Other laws unaffected.**—Nothing contained in this Act, except as otherwise provided herein, shall be construed—

(a) To prevent or interfere with the enforcement of, or the procedure under, the provisions of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, the Interstate Commerce Act as amended, the Act entitled "An Act to promote export trade, and for other purposes", approved April 10, 1918, or sections 73 to 77, inclusive, of the Act of August 27, 1894, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", as amended by the Act entitled "An Act to amend sections seventy-three and seventy-six of the Act of August twenty-seventh, eighteen hundred and ninety-four, entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes'", approved February 12, 1913, or

(b) To alter, modify, or repeal such Acts or any part or parts thereof, or

(c) To prevent or interfere with any investigation, proceeding, or prosecution begun and pending at the time this Act becomes effective. (Aug. 15, 1921, sec. 405, 42 Stat. 168; 7 U. S. C., sec. 225.)

**420. Powers of Interstate Commerce Commission unaffected; powers of Federal Trade Commission restricted.**—(a) Nothing in this Act shall affect the power or jurisdiction of the Interstate Commerce Commission, nor confer upon the Secretary concurrent power or jurisdiction over any matter within the power or jurisdiction of such Commission.

(b) On and after the enactment of this Act, and so long as it remains in effect, the Federal Trade Commission shall have no power or jurisdiction so far as relating to any matter which by this Act is made subject to the jurisdiction of the Secretary, except in cases in which, before the enactment of this Act, complaint has been served under section 5 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914, or under section 11 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 14, 1914, and except when the Secretary of Agriculture, in the exercise of his duties hereunder, shall request of the said Federal Trade Commission that it make investigations and report in any case. (Aug. 15, 1921, sec. 406, 42 Stat. 169; 7 U. S. C., secs. 226, 227.)

**421. General authority of Secretary as to rules, etc.**—The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this Act and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purpose. (Aug. 15, 1921, sec. 407, 42 Stat. 169; 7 U. S. C., sec. 228.)

**422. Effect of partial invalidity.**—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (Aug. 15, 1921, sec. 408, 42 Stat. 169; 7 U. S. C., sec. 229.)

#### TITLE V—LIVE POULTRY DEALERS AND HANDLERS

**423. Evils in handling of live poultry constituting burden on interstate commerce.**—The handling of the great volume of live poultry required as an article of food for the inhabitants of large centers of population is attendant with various unfair, deceptive, and fraudulent practices and devices, resulting in the producers sustaining sundry losses and receiving prices far below the reasonable value of their live poultry in comparison with prices of other commodities and in unduly and arbitrarily enhancing the cost to the consumers. Such practices and devices are an undue restraint and unjust burden upon interstate commerce and are a matter of such grave concern to the industry and to the public as to make it imperative that steps be taken to free such commerce from such burden and restraint and to protect producers and consumers against such practices and devices. (Aug. 14, 1935, sec. 501, Public, No. 272, 74th Cong.)

**424. Secretary of Agriculture authorized to ascertain and designate cities where burdens are imposed; licenses required of persons other than packers and railroads; violation of subsection; issuance of licenses.**—(a) The Secretary of Agriculture is authorized and directed to ascertain from time to time and to designate the cities where such practices and devices exist to the extent stated in the preceding section and the markets and places in or near such cities where live poultry is received, sold, and handled in sufficient quantity to constitute an important influence on the supply and price of live poultry and poultry products. On and after the effective date of such designation, which shall be publicly announced by the Secretary by publication in one or more trade journals or in the daily press or in such other manner as he may determine to be adequate for the purpose approximately thirty days prior to such date, no person other than packers as defined in title II of said Act and railroads shall engage in, furnish, or conduct any service or facility in any such designated city, place, or market in connection with the receiving, buying, or selling, on a commission basis or otherwise, marketing, feeding, watering, holding, delivering, shipping, weighing, unloading, loading on trucks, trucking, or handling in commerce of live poultry without a license from the Secretary of Agriculture as herein authorized valid and effective at such time. Any person who violates any provision of this subsection shall be subject to a fine of not more than \$500 or imprisonment of not more than six months, or both.

(b) Any person desiring a license shall make application to the Secretary, who may by regulation prescribe the information to be contained in such application. The Secretary shall issue a license to any applicant furnishing the required information unless he finds after opportunity for a hearing that such applicant is unfit to engage in the activity for which he has made application by reason of his having at any time within two years prior to his application engaged in any practice of the character prohibited by this Act or because he is financially unable to fulfill the obligations that he would incur as a licensee. (Aug. 14, 1935, sec. 502, Public, No. 272, 74th Cong.)

**425. Live poultry dealer defined.**—The term "live poultry dealer" means any person engaged in the business of buying or selling live poultry in commerce for purposes of slaughter either on his own account or as the employee or agent of the vendor or purchaser. (Aug. 14, 1935, sec. 503, Public, No. 272, 74th Cong.)

**426. Application of act to licenses under this title.**—The provisions of sections 305 to 316, both inclusive, 401, 402, 403, and 404 of said Act [7 U. S. C., secs. 206-217, 221-224], shall be applicable to licensees with respect to services and facilities covered by this title and the rates, charges, and rentals therefor except that the schedules of rates, charges, and rentals shall be posted in the place of business of the licensee as prescribed in regulations made by the Secretary. (Aug. 14, 1935, sec. 504, Public, No. 272, 74th Cong.)

**427. Suspension by Secretary of Agriculture of license of offender.**—Whenever the Secretary determines, after opportunity for a hearing, that any licensee has violated or is violating any of the provisions of this title, he may publish the facts and circumstances of such violation and by order suspend the license of such offender for

a period not to exceed ninety days and if the violation is flagrant or repeated he may by order revoke the license of the offender. (Aug. 14, 1935, sec. 505, Public, No. 272, 74th Cong.)

#### WAREHOUSES

**428. Short title of act.**—That this Act shall be known by the short title of "United States warehouse Act." (Aug. 11, 1916, sec. 15, 39 Stat. 486, 7 U. S. C., sec. 241.)

**429. Definitions.**—That the term "warehouse" as used in this Act shall be deemed to mean every building, structure, or other protected enclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. As used in this Act, "person" includes a corporation or partnership or two or more persons having a joint or common interest; "warehouseman" means a person lawfully engaged in the business of storing agricultural products; and "receipt" means a warehouse receipt. (Aug. 11, 1916, sec. 2, 39 Stat. 486; Feb. 23, 1923, 42 Stat. 1282; 7 U. S. C., sec. 242.)

**430. Investigation of warehousing, classification, weighing, and certification, of agricultural products; inspection of warehouses; prescribing duties of warehousemen.**—That the Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this Act, to inspect such warehouse or cause it to be inspected, at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this Act; to determine whether warehouses for which licenses are applied for or have been issued under this Act are suitable for the proper storage of any agricultural product or products; to classify warehouses licensed or applying for a license in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this Act; and to prescribe, within the limitations of this Act, the duties of the warehousemen conducting warehouses licensed under this Act with respect to their care of and responsibility for agricultural products stored therein. (Aug. 11, 1916, sec. 3, 39 Stat. 486; 7 U. S. C., sec. 243.)

**431. License to warehouseman generally.**—That the Secretary of Agriculture, or his designated representative, is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this Act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this Act and the rules and regulations prescribed hereunder. (Aug. 11, 1916, sec. 4, 39 Stat. 486; Mar. 2, 1931, sec. 1, 46 Stat. 1463; 7 U. S. C., sec. 244.)

**432. Term of license; renewal.**—That each license issued under sections four and nine of this Act [7 U. S. C., secs. 244, 248] shall termi-

nate as therein provided, or in accordance with the terms of this Act and the regulations thereunder, and may from time to time be modified or extended by written instrument. (Aug. 11, 1916, sec. 5, 39 Stat. 486; Feb. 23, 1923, 42 Stat. 1282; 7 U. S. C., sec. 245.)

**433. Suspension and revocation of license of warehouseman generally.**—That the Secretary of Agriculture, or his designated representative, may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license to any warehouseman conducting a warehouse under this Act, for any violation of or failure to comply with any provision of this Act or of the rules and regulations made hereunder, or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license temporarily without hearing. (Aug. 11, 1916, sec. 5, 39 Stat. 490; Mar. 2, 1931, sec. 8, 46 Stat. 1465; 7 U. S. C., sec. 246.)

**434. Bond of applicant for license.**—That each warehouseman applying for a license to conduct a warehouse in accordance with this Act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the terms of this Act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this Act, and may, in the discretion of the Secretary of Agriculture, include the requirements of fire and/or other insurance. Whenever the Secretary of Agriculture, or his designated representative, shall determine that a previously approved bond is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked. (Aug. 11, 1916, sec. 6, 39 Stat. 486; July 24, 1919, 41 Stat. 266; Feb. 23, 1923, sec. 2, 42 Stat. 1283; Mar. 2, 1931, sec. 2, 46 Stat. 1463; 7 U. S. C., sec. 247.)

**435. License to person not warehouseman; bond; duties of licensee.**—That the Secretary of Agriculture, or his designated representative, may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products, and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this Act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this Act, and the rules and regulations hereunder affecting warehousemen licensed under this Act, and shall otherwise be subject to

this Act, and such rules and regulations, to the same extent as is provided for warehousemen licensed hereunder. (Aug. 11, 1916, sec. 9, 39 Stat. 487; Mar. 2, 1931, sec. 4, 46 Stat. 1464; 7 U. S. C., sec. 248.)

**436. Action on bond by persons injured.**—That any person injured by the breach of any obligation to secure which a bond is given, under the provisions of section six or nine [7 U. S. C., secs. 247, 248], shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach. (Aug. 11, 1916, sec. 7, 39 Stat. 487; 7 U. S. C., sec. 249.)

**437. Designation of warehouse as bonded.**—That upon the filing with and approval by the Secretary of Agriculture, or his designated representative, of a bond, in compliance with this Act, for the conduct of a warehouse, such warehouse may be designated as bonded hereunder; but no warehouse shall be designated as bonded under this Act, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section 6, has been filed with and approved by the Secretary of Agriculture, or his designated representative, nor unless the license issued under this Act for the conduct of such warehouse remains unsuspended and unrevoked. (Aug. 11, 1916, sec. 8, 39 Stat. 487; Mar. 2, 1931, sec. 3, 46 Stat. 1463; 7 U. S. C., sec. 250.)

**438. Fee for inspection of warehouse or for license; disposition of moneys.**—That the Secretary of Agriculture, or his designated representative, may charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this Act when such examination or inspection is made upon application of a warehouseman, and for each license issued to a warehouseman or to any person to classify, inspect, grade, sample, and/or weigh agricultural products stored or to be stored under the provisions of this Act, the Secretary of Agriculture, or his designated representative, may charge, assess, and cause to be collected a reasonable fee. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. (Aug. 11, 1916, sec. 10, 39 Stat. 487; Mar. 2, 1931, sec. 5, 46 Stat. 1464; 7 U. S. C., sec. 251.)

**439. License to classify, grade, or weigh agricultural products.**—That the Secretary of Agriculture, or his designated representative, may, upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample, or classify any agricultural product or products, stored or to be stored in a warehouse licensed under this Act, according to condition, grade, or otherwise and to certificate the condition, grade, or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample, or classify and weigh the same and to certificate the condition, grade, or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this Act and of the rules and regulations prescribed hereunder so far as the same relate to him. (Aug. 11, 1916, sec. 11, 39 Stat. 487; Feb. 23, 1923, 42 Stat. 1283; Mar. 2, 1931, sec. 6, 46 Stat. 1464; 7 U. S. C., sec. 252.)

**440. Suspension and revocation of license.**—That any license issued to any person to inspect, sample, or classify, or to weigh any agricultural product or products under this Act may be suspended or revoked by the Secretary of Agriculture, or his designated representa-

tive, whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, or classify, or to weigh any agricultural product or products correctly, or has violated any of the provisions of this Act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license temporarily without hearing. (Aug. 11, 1916, sec. 12, 39 Stat. 487; Feb. 23, 1923, 42 Stat. 1283; Mar. 2, 1931, sec. 7, 46 Stat. 1464; 7 U. S. C., sec. 253.)

**441. Discrimination by warehouseman prohibited.**—That every warehouseman conducting a warehouse licensed under this Act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary and usual course of business, without making any discriminations between persons desiring to avail themselves of warehouse facilities. (Aug. 11, 1916, sec. 13, 39 Stat. 488; 7 U. S. C., sec. 254.)

**442. Deposits of products deemed deposited subject to act.**—That any person who deposits agricultural products for storage in a warehouse licensed under this Act shall be deemed to have deposited the same subject to the terms of this Act and the rules and regulations prescribed hereunder. (Aug. 11, 1916, sec. 14, 39 Stat. 488; 7 U. S. C., sec. 255.)

**443. Inspection and grading of products stored.**—That any fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this Act shall be inspected and graded by a person duly licensed to grade the same under this Act. (Aug. 11, 1916, sec. 15, 39 Stat. 488; Feb. 23, 1923, 42 Stat. 1283; 7 U. S. C., sec. 256.)

**444. Mingling products stored.**—That every warehouseman conducting a warehouse licensed under this Act shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades. (Aug. 11, 1916, sec. 16, 39 Stat. 488; 7 U. S. C., sec. 258.)

**445. Receipts for products stored generally.**—That for all agricultural products stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this Act original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except

for agricultural products actually stored in the warehouse at the time of the issuance thereof. (Aug. 11, 1916, sec. 17, 39 Stat. 488; 7 U. S. C., sec. 259.)

**446. Contents of receipts.**—That every receipt issued for agricultural products stored in a warehouse licensed under this Act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse Act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this Act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued: *Provided, however*, That the Secretary of Agriculture may in his discretion require that such receipt have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable. (Aug. 11, 1916, sec. 18, 39 Stat. 488; July 24, 1919, 41 Stat. 266; Feb. 23, 1923, 42 Stat. 1284; 7 U. S. C., sec. 260.)

**447. Standards for agricultural products covered by act.**—That the Secretary of Agriculture is authorized, from time to time, to estab-

lish and promulgate standards for agricultural products by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority of any other Act of Congress shall be, and are hereby, adopted for the purpose of this Act as the official standards of the United States for the agricultural products to which they relate. (Aug. 11, 1916, sec. 19, 39 Stat. 489; Feb. 23, 1923, 42 Stat. 1284; 7 U. S. C., sec. 257.)

**448. Other or further receipts.**—That while an original receipt issued under this Act is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States: *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this Act. (Aug. 11, 1916, sec. 20, 39 Stat. 489; 7 U. S. C., sec. 261.)

**449. Delivery of agricultural products stored on demand by depositor or holder of receipt.**—That a warehouseman conducting a warehouse licensed under this Act, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman. (Aug. 11, 1916, sec. 21, 39 Stat. 489; 7 U. S. C., sec. 262.)

**450. Cancellation of receipts on delivery of products stored.**—That a warehouseman conducting a warehouse licensed under this Act shall plainly cancel upon the face thereof each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued. (Aug. 11, 1916, sec. 22, 39 Stat. 490; 7 U. S. C., sec. 263.)

**451. Records of products; reports; general compliance.**—That every warehouseman conducting a warehouse licensed under this Act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may

require, and shall conduct said warehouse in all other respects in compliance with this Act and the rules and regulations made hereunder. (Aug. 11, 1916, sec. 23, 39 Stat. 490; 7 U. S. C., sec. 264.)

**452. Examination of products stored in warehouses; publication of findings.**—That the Secretary of Agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this Act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this Act and the rules and regulations made hereunder, the Secretary may publish his findings. (Aug. 11, 1916, sec. 24, 39 Stat. 490; 7 U. S. C., sec. 265.)

**453. Publication of results of investigations of warehouses; names and locations of bonded warehouses.**—That the Secretary of Agriculture from time to time may publish the results of any investigations made under section three of this Act; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this Act and lists of all licenses terminated under this Act and the causes therefor. (Aug. 11, 1916, sec. 26, 39 Stat. 490; 7 U. S. C., sec. 266.)

**454. Examination of books, etc., of warehousemen.**—That the Secretary of Agriculture is authorized through officials, employees, or agents of the Department of Agriculture designated by him to examine all books, records, papers, and accounts of warehouses licensed under this Act and of the warehousemen conducting such warehouses relating thereto. (Aug. 11, 1916, sec. 27, 39 Stat. 490; 7 U. S. C., sec. 267.)

**455. Rules and regulations.**—That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this Act. (Aug. 11, 1916, sec. 28; 39 Stat. 490; 7 U. S. C., sec. 268.)

**456. Federal act exclusive; cooperation with State officials; Federal acts for District of Columbia and Territories not affected.**—That in the discretion of the Secretary of Agriculture he is authorized to cooperate with State officials charged with the enforcement of State laws relating to warehouses, warehousemen, weighers, graders, inspectors, samplers, or classifiers; but the power, jurisdiction, and authority conferred upon the Secretary of Agriculture under this Act shall be exclusive with respect to all persons securing a license hereunder so long as said license remains in effect. This Act shall not be construed so as to limit the operation of any statute of the United States relating to warehouses or to warehousemen, weighers, graders, inspectors, samplers, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States. (Aug. 11, 1916, sec. 29, 39 Stat. 490; Feb. 23, 1923, 42 Stat. 1285; Mar. 2, 1931, sec. 9, 46 Stat. 1465; 7 U. S. C., sec. 269.)

**457. Punishment for violation; reimbursement of owner of products converted.**—That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture, or his designated representative, under this Act, or who shall violate or fail to comply with any provision of section 8 of this Act [7 U. S. C., sec. 250], or

who shall issue or utter a false or fraudulent receipt or certificate, or change in any manner an original receipt or certificate subsequently to issuance by a licensee, or any person who, without lawful authority, shall convert to his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this Act or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse, and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$10,000, or double the value of the products involved if such double value exceeds \$10,000, or imprisoned not more than ten years, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed, may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture, for the value of such products to the extent that such owner has not otherwise been reimbursed. That any person who shall draw with intent to deceive, a false sample of, or who shall willfully mutilate or falsely represent a sample drawn under this Act, or who shall classify, grade, or weigh fraudulently, any agricultural products stored or to be stored under the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof fined not more than \$500, or imprisoned for not more than six months, or both, in the discretion of the court. (Aug. 11, 1916, sec. 30, 39 Stat. 490; Feb. 23, 1923, 42 Stat. 1285; Mar. 2, 1931, sec. 10, 46 Stat. 1465; 7 U. S. C., sec. 270.)

**458. Appropriation for carrying act into effect; employment of temporary assistance.**—That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, available until expended, for the expenses of carrying into effect the provisions of this Act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, and he is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this Act, and out of the moneys appropriated by this Act to pay the salaries and expenses thereof. (Aug. 11, 1916, sec. 31, 39 Stat. 491; 7 U. S. C., sec. 271.)

**459. Effect of partial invalidity of act.**—That if any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Aug. 11, 1916, sec. 32, 39 Stat. 491; 7 U. S. C., sec. 272.)

**460. Rights reserved.**—That the right to amend, alter, or repeal this Act is hereby expressly reserved. (Aug. 11, 1916, sec. 33, 39 Stat. 491; 7 U. S. C., sec. 273.)

#### HONEYBEES

**461. Importation of honeybee prohibited; exceptions.**—That, in order to prevent the introduction and spread of diseases dangerous to the adult honeybee, the importation into the United States of the honey-

bee (*Apis mellifica*) in its adult stage is hereby prohibited, and all adult honeybees offered for import into the United States shall be destroyed if not immediately exported: *Provided*, That such adult honeybees may be imported into the United States for experimental or scientific purposes by the United States Department of Agriculture: *And provided further*, That such adult honeybees may be imported into the United States from countries in which the Secretary of Agriculture shall determine that no diseases dangerous to adult honeybees exist, under rules and regulations prescribed by the Secretary of the Treasury and the Secretary of Agriculture. (Aug. 31, 1922, sec. 1, 42 Stat. 833; 7 U. S. C., sec. 281.)

**462. Punishment for violation of act.**—That any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court. (Aug. 31, 1922, sec. 2, 42 Stat. 834; 7 U. S. C., sec. 282.)

#### ASSOCIATIONS OF PRODUCERS OF AGRICULTURAL PRODUCTS

**463. Authorization of associations; powers generally.**—That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of persons so engaged. Such associations may have marketing agencies in common; and such associations and their members may make the necessary contracts and agreements to effect such purposes: *Provided, however*, That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First, that no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, or,

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

And in any case to the following:

Third. That the association shall not deal in the products of non-members to an amount greater in value than such as are handled by it for members. (Feb. 18, 1922, sec. 1, 42 Stat. 388; 7 U. S. C., sec. 291.)

**464. Monopolizing or restraining trade or unduly enhancing prices prohibited; remedy and procedure.**—That if the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than thirty days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade. An association so complained of may at the time and place so

fixed show cause why such order should not be entered. The evidence given on such a hearing shall be taken under such rules and regulations as the Secretary of Agriculture may prescribe, reduced to writing, and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist from monopolization or restraint of trade. On the request of such association or if such association fails or neglects for thirty days to obey such order, the Secretary of Agriculture shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

The facts found by the Secretary of Agriculture and recited or set forth in said order shall be *prima facie* evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, or on any attorney authorized to appear in such proceeding for such association, and such service shall be binding upon such association, the officers, and members thereof. (Feb. 18, 1922, sec. 2, 42 Stat. 388; 7 U. S. C., sec. 292.)

#### AGRICULTURAL AND MECHANICAL COLLEGES

##### COLLEGE-AID LAND APPROPRIATION

**465. Land grant.**—That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty: *Provided*, That no mineral lands shall be selected or purchased under the provisions of this Act. (July 2, 1862, sec. 1, 12 Stat. 503; 7 U. S. C., sec. 301.)

**465a. Apportionment and selection; land scrip.**—That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of

a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre to which said State may be entitled under the provisions of this Act, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this Act, and for no other use or purpose whatsoever: *Provided*, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents, or less, per acre: *And provided further*, That not more than one million acres shall be located by such assignees in any one of the States: *And provided further*, That no such location shall be made before one year from the passage of this Act. (July 2, 1862, sec. 2, 12 Stat. 503; 7 U. S. C., sec. 302.)

**465b. State to pay expense of management.**—That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned. (July 2, 1862, sec. 3, 12 Stat. 504; 7 U. S. C., sec. 303.)

**465c. College-aid land appropriation.**—That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned and from the sales of land scrip hereinbefore provided for shall be invested in bonds of the United States or of the States or some other safe bonds; or the same may be invested by the States having no State bonds in any manner after the legislatures of such States shall have assented thereto and engaged that such funds shall yield a fair and reasonable rate of return, to be fixed by the State legislatures, and that the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 5 of this Act [7 U. S. C., sec. 305]), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this Act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and

professions in life. (July 2, 1862, sec. 4, 12 Stat. 504; Mar. 3, 1883, 22 Stat. 484; Apr. 13, 1926, 44 Stat. 247; 7 U. S. C., sec. 304.)

**465d. Conditions of grant.**—That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this Act [7 U. S. C., sec. 304], except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this Act, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective legislatures of said States.

Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretence whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Third. Any State which may take and claim the benefit of the provisions of this Act shall provide, within five years, at least not less than one college, as described in the fourth section of this Act [7 U. S. C., sec. 304], or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold and that the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this Act, and also one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionally diminished.

Sixth. No State while in a condition of rebellion or insurrection against the Government of the United States shall be entitled to the benefit of this Act.

Seventh. No State shall be entitled to the benefits of this Act unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President. (July 2, 1862, sec. 5, 12 Stat. 504; 7 U. S. C., sec. 305.)

**465e. Extension of time of compliance with provisions of act of 1862.**—That the time in which the several States may comply with the provisions of the Act of July two, eighteen hundred and sixty-two, entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts", is hereby extended so that the acceptance of the benefits of the said Act may be expressed within three years from

the passage of this Act, and the colleges required by the said Act may be provided within five years from the date of the filing of such acceptance with the commissioner of the general land office: *Provided*, That when any Territory shall become a State and be admitted into the Union, such new State shall be entitled to the benefits of the said Act of July two, eighteen hundred and sixty-two, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as prescribed in this Act: *Provided further*, That any State which has heretofore expressed its acceptance of the act herein referred to shall have the period of five years within which to provide at least one college, as described in the fourth section of said Act, after the time for providing said college, according to the Act of July second, eighteen hundred and sixty-two, shall have expired. (July 23, 1866, 14 Stat. 208; 7 U. S. C., sec. 305.)

**465f. Fees.**—That the land officers shall receive the same fees for locating land scrip issued under the provisions of this Act as is now allowed for the location of military bounty land warrants under existing laws; *Provided*, their maximum compensation shall not be thereby increased. (July 2, 1862, sec. 7, 12 Stat. 505; 7 U. S. C., sec. 307.)

**465g. Reports by Governors.**—That the Governors of the several States to which scrip shall be issued under this Act shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds. (July 2, 1862, sec. 8, 12 Stat. 505; 7 U. S. C., sec. 308.)

#### COLLEGE-AID ANNUAL APPROPRIATION

**466. Annual appropriation generally; racial discrimination.**—That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the Act of Congress approved July second, eighteen hundred and sixty-two, and the Act of Congress approved August thirtieth, eighteen hundred and ninety, the sum of five thousand dollars, in addition to the sums named in the said Act, for the fiscal year ending June thirtieth, nineteen hundred and eight, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of five thousand dollars over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be fifty thousand dollars, to be applied only to instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the Act of Congress ap-

proved August thirtieth, eighteen hundred and ninety, entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the Act of Congress approved July second, eighteen hundred and sixty-two", and the expenditure of the said money shall be governed in all respects by the provisions of the said Act of Congress approved July second, eighteen hundred and sixty-two, and the said Act of Congress approved August thirtieth, eighteen hundred and ninety: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts. No money shall be paid out under this act [7 U. S. C., secs. 321-328] to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided*, That in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students. (Aug. 30, 1890, sec. 1, 26 Stat. 417; Mar. 4, 1907, 34 Stat. 1281; 7 U. S. C., secs. 322, 323.)

**467. Time, manner, etc., of annual payments.**—That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the

amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury. (Aug. 30, 1890, sec. 2, 26 Stat. 418; 7 U. S. C., sec. 324.)

**468. State to replace funds diminished or misapplied; restrictions on use; reports of colleges.**—That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act. (Aug. 30, 1890, sec. 3, 26 Stat. 418; 7 U. S. C., sec. 325.)

**469. Ascertainment and certification of amounts due States; certificates withheld; appeal to Congress.**—That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law. (Aug. 30, 1890, sec. 4, 26 Stat. 419; 7 U. S. C., sec. 326, 321.)

**470. Reservation of power to amend, suspend, or repeal act.**—Congress may at any time amend, suspend, or repeal any or all of the provisions of this act. (Aug. 30, 1890, sec. 6, 26 Stat. 419; 7 U. S. C., sec. 328.)

**471. Additional appropriation for college aid; disposition.**—In order to provide for the more complete endowment and support of the col-

leges in the several States and the Territory of Hawaii entitled to the benefits of the Act entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts", approved July 2, 1862, as amended and supplemented (U. S. C., title 7, secs. 301-328; Supp. VII, sec. 304), there are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the following amounts:

(a) For the fiscal year beginning after the date of the enactment of this Act, and for each fiscal year thereafter, \$980,000; and

(b) For the fiscal year following the first fiscal year for which an appropriation is made in pursuance of paragraph (a) \$500,000, and for each of the two fiscal years thereafter \$500,000 more than the amount authorized to be appropriated for the preceding fiscal year, and for each fiscal year thereafter \$1,500,000. The sums appropriated in pursuance of paragraph (a) shall be paid annually to the several States and the Territory of Hawaii in equal shares. The sums appropriated in pursuance of paragraph (b) shall be in addition to sums appropriated in pursuance of paragraph (a) and shall be allotted and paid annually to each of the several States and the Territory of Hawaii in the proportion which the total population of each such State and the Territory of Hawaii bears to the total population of all the States and the Territory of Hawaii, as determined by the last preceding decennial census. Sums appropriated in pursuance of this section shall be in addition to sums appropriated or authorized under such Act of July 2, 1862, as amended and supplemented, and shall be applied only for the purposes of the colleges defined in such Act, as amended and supplemented. The provisions of law applicable to the use and payment of sums under the Act entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two", approved August 30, 1890, as amended and supplemented, shall apply to the use and payment of sums appropriated in pursuance of this section. (June 29, 1935, sec. 22, title II, Public, No. 182, 74th Cong.)

#### AGRICULTURAL EXTENSION WORK APPROPRIATION

**472. Cooperative extension work by colleges authorized.**—That in order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same, there may be inaugurated in connection with the college or colleges in each State now receiving, or which hereafter receive, the benefits of the Act of Congress approved July second, eighteen hundred and sixty-two, entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts" (Twelfth Statutes at Large, page five hundred and three), and of the Act of Congress approved August thirtieth, eighteen hundred and ninety (Twenty-sixth Stat-

utes at Large, page four hundred and seventeen and chapter eight hundred and forty-one) [7 U. S. C., ch. 13], agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture: *Provided*, That in any State in which two or more such colleges have been or hereafter may be established the appropriations hereinafter made to such State shall be administered by such college or colleges as the legislature of such State may direct: *Provided further*, That pending the inauguration and development of the cooperative extension work herein authorized, nothing in this Act shall be construed to discontinue either the farm management work or the farmers' cooperative demonstration work as now conducted by the Bureau of Plant Industry of the Department of Agriculture. (May 8, 1914, sec. 1, 38 Stat. 372; 7 U. S. C., sec. 341.)

**473. Nature and manner of carrying on cooperative extension work.**—That cooperative agricultural extension work shall consist of the giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or resident in said colleges in the several communities, and imparting to such persons information on said subjects through field demonstrations, publications, and otherwise; and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges receiving the benefits of this Act. (May 8, 1914, sec. 2, 38 Stat. 373; 7 U. S. C., sec. 342.)

**474. Appropriation for extension work generally; contribution by State.**—That for the purpose of paying the expenses of said cooperative agricultural extension work and the necessary printing and distributing of information in connection with the same, there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$480,000 for each year, \$10,000 of which shall be paid annually, in the manner hereinafter provided, to each State which shall by action of its legislature assent to the provisions of this Act [7 U. S. C., secs. 341-348]: *Provided*, That payment of such installments of the appropriation hereinbefore made as shall become due to any State before the adjournment of the regular session of the legislature meeting next after the passage of this Act may, in the absence of prior legislative assent, be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury: *Provided further*, That there is also appropriated an additional sum of \$600,000 for the fiscal year following that in which the foregoing appropriation first becomes available, and for each year thereafter for seven years a sum exceeding by \$500,000 the sum appropriated for each preceding year, and for each year thereafter there is permanently appropriated for each year the sum of \$4,100,000 in addition to the sum of \$480,000 hereinbefore provided: *Provided further*, That before the funds herein appropriated shall become available to any college for any fiscal year plans for the work to be carried on under this Act shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture. Such additional sums shall be used only for the purposes hereinbefore stated, and shall be allotted annually to each State by the Secretary of Agriculture and paid in the manner hereinbefore provided, in the proportion which the rural population of each State bears to the total rural population of all the States as determined

by the next preceding Federal census: *Provided further*, That no payment out of the additional appropriations herein provided shall be made in any year to any State until an equal sum has been appropriated for that year by the legislature of such State, or provided by State, county, college, local authority, or individual contributions from within the State, for the maintenance of the cooperative agricultural extension work provided for in this Act. (May 8, 1914, sec. 3, 38 Stat. 373; 7 U. S. C., sec. 343.)

**475. Additional appropriation for extension work; disposition.**—That in order to further develop the cooperative extension system as inaugurated under the Act entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and all Acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of the cooperative extension work in agriculture and home economics, and the necessary printing and distributing of information in connection with the same, the sum of \$980,000 for each year, \$20,000 of which shall be paid annually, in the manner hereinafter provided, to each State and the Territory of Hawaii which shall by action of its legislature assent to the provisions of this Act. The payment of such installments of the appropriations hereinbefore made as shall become due to any State or Territory before January 1, 1932, may, in the absence of prior legislative assent, be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury. There is hereby authorized to be appropriated for the fiscal year following that in which the foregoing appropriation first becomes available, and for each year thereafter, the sum of \$500,000. The additional sums appropriated under the provisions of this Act shall be subject to the same conditions and limitations as the additional sums appropriated under such Act of May 8, 1914, except that (1) at least 80 per centum of all appropriations under this Act shall be utilized for the payment of salaries of extension agents in counties of the several States to further develop the cooperative extension system in agriculture and home economics with men, women, boys, and girls; (2) funds available to the several States and the Territory of Hawaii, under the terms of this Act shall be so expended that the extension agents appointed under its provisions shall be men and women in fair and just proportions; (3) the restriction on the use of these funds for the promotion of agricultural trains shall not apply. (May 22, 1928, sec. 1, 45 Stat. 711; Mar. 10, 1930, 46 Stat. 83; 7 U. S. C., sec. 343a.)

**476. Same; relation to other appropriations for same purpose.**—The sums appropriated under the provisions of this Act shall be in addition to, and not in substitution for, sums appropriated under such Act of May 8, 1914, or sums otherwise annually appropriated for cooperative agricultural extension work. (May 22, 1928, sec. 2, 45 Stat. 711; 7 U. S. C., sec. 343b.)

**477. Additional appropriation for extension work; disposition.**—In order to further develop the cooperative extension system as inaugurated under the Act entitled "An Act to provide for cooperative agri-

cultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and all Acts supplementary thereto, and the United States Department of Agriculture", approved May 8, 1914 (U. S. C., title 7, secs. 341-348), there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of cooperative extension work in agriculture and home economics and the necessary printing and distribution of information in connection with the same, the sum of \$8,000,000 for the fiscal year beginning after the date of the enactment of this title, and for the fiscal year following the first fiscal year for which an appropriation is made in pursuance of the foregoing authorization the additional sum of \$1,000,000, and for each succeeding fiscal year thereafter an additional sum of \$1,000,000 until the total appropriations authorized by this section shall amount to \$12,000,000 annually, the authorization to continue in that amount for each succeeding fiscal year. The sums appropriated in pursuance of this section shall be paid to the several States and the Territory of Hawaii in the same manner and subject to the same conditions and limitations as the additional sums appropriated under the Act of May 8, 1914, except that (1) \$980,000 shall be paid to the several States and the Territory of Hawaii in equal shares; (2) the remainder shall be paid to the several States and the Territory of Hawaii in the proportion that the farm population of each bears to the total farm population of the several States and the Territory of Hawaii, as determined by the last preceding decennial census, and (3) the several States and the Territory of Hawaii shall not be required to offset the allotments authorized in this section. The sums appropriated pursuant to this section shall be in addition to, and not in substitution for, sums appropriated under such Act of May 8, 1914, as amended and supplemented, or sums otherwise appropriated for agricultural extension work. Allotments to any State or the Territory of Hawaii for any fiscal year from the appropriations herein authorized shall be available for payment to such State or the Territory of Hawaii only if such State or the Territory of Hawaii complies, for such fiscal year, with the provisions with reference to offset of appropriations (other than appropriations under this section) for agricultural extension work. (June 29, 1935, sec. 21, Title II, Public, No. 182, 74th Cong.)

**478. Time and manner of payment; reports.**—That the sums hereby appropriated for extension work shall be paid in equal semiannual payments on the first day of January and July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer of the State duly authorized by the laws of the State to receive the same; and such officer shall be required to report to the Secretary of Agriculture, on or before the first day of September of each year, a detailed statement of the amount so received during the previous fiscal year, and of its disbursement, on forms prescribed by the Secretary of Agriculture. (May 8, 1914, sec. 4, 38 Stat. 374; 7 U. S. C., sec. 344.)

**479. State to replace funds diminished or misapplied; restrictions on use of funds; reports by colleges.**—That if any portion of the moneys

received by the designated officer of any State for the support and maintenance of cooperative agricultural extension work, as provided in this Act, shall by any action or contingency be diminished or lost, or be misapplied, it shall be replaced by said State to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to said State, and no portion of said moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in colleges, promoting agricultural trains, or any other purpose not specified in this Act, and not more than five per centum of each annual appropriation shall be applied to the printing and distribution of publications. It shall be the duty of each of said colleges annually, on or before the first day of January, to make to the governor of the State in which it is located a full and detailed report of its operations in the direction of extension work as defined in this Act, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture and to the Secretary of the Treasury of the United States. (May 8, 1914, sec. 5, 38 Stat. 374; 7 U. S. C., sec. 345.)

**480. Ascertainment and certification of amounts due States; certificate withheld; appeal to Congress thereon.**—That on or before the first day of July in each year after the passage of this Act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of the annual appropriation for cooperative agricultural extension work under this Act, and the amount which it is entitled to receive. If the Secretary of Agriculture shall withhold a certificate from any State of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the Congress next succeeding a session of the legislature of any State from which a certificate has been withheld, in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. (May 8, 1914, sec. 6, 38 Stat. 374; 7 U. S. C., sec. 346.)

**481. Reports to Congress by Secretary.**—That the Secretary of Agriculture shall make an annual report to Congress of the receipts, expenditures, and results of the cooperative agricultural extension work in all of the States receiving the benefits of this Act, and also whether the appropriation of any State has been withheld; and if so, the reasons therefor. (May 8, 1914, sec. 7, 38 Stat. 374; 7 U. S. C., 347.)

**482. Right reserved to alter, amend, or repeal act.**—That Congress may at any time alter, amend, or repeal any or all of the provisions of this Act. (May 8, 1914, sec. 8, 38 Stat. 374; 7 U. S. C., sec. 348.)

#### AGRICULTURAL EXPERIMENT STATIONS

**483. Establishment of experiment stations at State agricultural colleges; division of appropriation between colleges of same State.**—That in order to aid in acquiring and diffusing among the people of the

United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, under direction of the college or colleges or agricultural department of colleges in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an act approved July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts", or any of the supplements to said act [7 U. S. C., secs. 301-308], a department to be known and designated as an "agricultural experiment station": *Provided*, That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the legislature of such State or Territory shall otherwise direct. (Mar. 2, 1887, sec. 1, 24 Stat. 440; 7 U. S. C., sec. 362.)

**484. Scope of research.**—That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories. (Mar. 2, 1887, sec. 2; 24 Stat. 440; 7 U. S. C., sec. 363.)

**485. Soil examination and classification.**—That, as far as practicable, all such stations shall devote a portion of their work to the examination and classification of the soils of their respective States and Territories, with a view to securing more extended knowledge and better development of their agricultural capabilities. (Mar. 2, 1889, 25 Stat. 841; 7 U. S. C., sec. 364.)

**486. Issuance and distribution of bulletins; franking privilege.**—That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the

Postmaster-General may from time to time prescribe. (Mar. 2, 1887, sec. 4, 24 Stat. 441; 7 U. S. C., sec. 365.)

**487. Supervision of agricultural experiment stations by Secretary of Agriculture.**—That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the Secretary of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this Act. (Mar. 2, 1887, sec. 3, 24 Stat. 441; 7 U. S. C., sec. 368.)

**488. Annual reports by stations to governors.**—It shall be the duty of each of said stations, annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Secretary of Agriculture, and to the Secretary of the Treasury of the United States. (Mar. 2, 1887, sec. 3, 24 Stat. 441; Feb. 24, 1925, sec. 3, 43 Stat. 971; 7 U. S. C., sec. 366.)

**489. General annual appropriation.**—That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the Act of Congress approved March second, eighteen hundred and eighty-seven [7 U. S. C., ch. 14], the sum of five thousand dollars in addition to the sum named in said Act for the year ending June thirtieth, nineteen hundred and six, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of two thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be thirty thousand dollars, to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories. (Mar. 16, 1906, sec. 1, 34 Stat. 63; 7 U. S. C., sec. 369.)

**490. Additional appropriation.**—That for the more complete endowment and maintenance of agricultural experiment stations now established, or which may hereafter be established, in accordance with the Act of Congress approved March 2, 1887 [7 U. S. C., ch. 14], there is hereby authorized to be appropriated, in addition to the amounts now received by such agricultural experiment stations, the sum of \$20,000 for the fiscal year ending June 30, 1926; \$30,000 for the fiscal year ending June 30, 1927; \$40,000 for the fiscal year ending June 30, 1928; \$50,000 for the fiscal year ending June 30, 1929; \$60,000 for the fiscal year ending June 30, 1930; and \$60,000 for each fiscal year thereafter, to be paid to each State and Territory; and the Secretary of Agriculture shall include the additional sums above authorized to be appropriated in the annual estimates of the Department of Agriculture, or in a separate estimate, as he may deem best. The funds appropriated pursuant to

this Act shall be applied only to paying the necessary expenses of conducting investigations or making experiments bearing directly on the production, manufacture, preparation, use, distribution, and marketing of agricultural products and including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and sociological investigations as have for their purpose the development and improvement of the rural home and rural life, and for printing and disseminating the results of said researches. (Mar. 2, 1887, sec. 5, 24 Stat. 441; Feb. 24, 1925, sec. 1, 43 Stat. 970; 7 U. S. C., sec. 370.)

**491. Time and manner of payments; reports; legislative assent to grant.**—That the sums hereby authorized to be appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the 1st day of January, April, July, and October of each year by the Secretary of the Treasury upon a warrant of the Secretary of Agriculture out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of such agricultural experiment stations to receive the same and such officers shall be required to report to the Secretary of Agriculture on or before the 1st day of September of each year a detailed statement of the amount so received and of its disbursement on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this Act [7 U. S. C., ch. 14] are made subject to legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein authorized to be made as shall become due to any State or Territory before the adjournment of the regular session of the legislature meeting next after the passage of this Act shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury. (Mar. 2, 1887, sec. 9, 24 Stat. 442; Feb. 24, 1925, sec. 2, 43 Stat. 971; 7 U. S. C., secs. 373, 371.)

**492. Governor's assent when legislature not in session.**—That the grant of money authorized by the act of Congress entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of acts supplementary thereto", are subject as therein provided to the legislative assent of the States or Territories to be affected thereby; but as to such installments of the appropriations as may be now due or may hereafter become due, when the legislature may not be in session, the governor of said State or Territory may make the assent therein provided, and upon a duly certified copy thereof to the Secretary of the Treasury he shall cause the same to be paid in the manner provided in the act of which this is amendatory, until the termination of the next regular session of the legislature of such State or Territory. (June 7, 1888, 25 Stat. 176; 7 U. S. C., sec. 372.)

**493. Restrictions on use by States of moneys appropriated by Act of March 16, 1906.**—No portion of said moneys [appropriated by section 1 of the Act of Mar. 16, 1906, 34 Stat. 63; 7 U. S. C., sec. 369] exceed-

ing five per centum of each annual appropriation shall be applied, directly or indirectly, under and pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings, or to the purchase or rental of land. (Mar. 16, 1906, sec. 3, 34 Stat. 63; 7 U. S. C., sec. 375.)

493a. **State to replace funds diminished or misapplied; restrictions on use of moneys appropriated by Act of Feb. 24, 1925; reports of colleges.**—That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this Act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory, and no portion of said moneys exceeding 10 per centum of each annual appropriation [authorized by sec. 1 of the Act of Feb. 24, 1925, 43 Stat. 970; 7 U. S. C., sec. 370] shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings or to the purchase or rental of land. It shall be the duty of each of the said stations annually, on or before the 1st day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures for the fiscal year next preceding, a copy of which report shall be sent to each of the said stations, to the Secretary of Agriculture, and to the Secretary of the Treasury of the United States. (Mar. 16, 1906, sec. 3, 34 Stat. 63, Feb. 24, 1925, sec. 3, 43 Stat. 971; 7 U. S. C., secs. 374, 375, 366.)

494. **Ascertainment and certification of amounts due States; certificates withheld; appeal to Congress thereon.**—That on or before the 1st day of July in each year after the passage of this Act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this Act and is entitled to receive its share of the annual appropriations for agricultural experiment stations under this Act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold from any State or Territory a certificate of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. The Secretary of Agriculture is hereby charged with the proper administration of this law. (Feb. 24, 1925, sec. 4, 43 Stat. 971; 7 U. S. C., sec. 376, 361.)

495. **Unexpended appropriations.**—That whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appro-

priated to any station shall not exceed the amount actually and necessarily required for its maintenance and support. (Mar. 2, 1887, sec. 6, 24 Stat. 441; 7 U. S. C., sec. 377.)

**496. Relation of colleges to State or Territorial governments not affected.**—That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located. (Mar. 2, 1887, sec. 7, 24 Stat. 441; 7 U. S. C., sec. 379.)

**497. Application of act in States having experiment stations separate from agricultural colleges.**—That, in States having colleges entitled under this section to the benefits of this act and having also agricultural experiment stations established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established, under the provisions of said act of July second aforesaid, an agricultural department or experimental station, in connection with any university, college, or institution not distinctively an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the legislature of such State may apply, in whole or in part, the appropriation by this act made to such separate agricultural college, or school, and no legislature shall by contract, express or implied, disable itself from so doing. (Mar. 2, 1887, sec. 8, 24 Stat. 441; 7 U. S. C., sec. 378.)

**498. Report to Congress by Secretary.**—That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reason therefor. (Feb. 24, 1925, sec. 5, 43 Stat. 972; 7 U. S. C., sec. 380.)

**499. Power to amend, repeal, etc., reserved.**—That Congress may at any time amend, suspend, or repeal any and all of the provisions of this Act. (Mar. 2, 1887, sec. 10, 24 Stat. 442; Feb. 24, 1925, 43 Stat. 972; 7 U. S. C., sec. 382.)

**500. Payment to Georgia Experiment Station.**—That hereafter the Secretary of Agriculture be, and he is hereby, authorized and directed to certify to the Secretary of the Treasury for payment, and the Secretary of the Treasury is authorized and directed to pay the appropriation for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and all future appropriations, to the Georgia Experiment Station, as authorized by the Act of March second, eighteen hundred and eighty-seven (Twenty-fourth Statutes, page four hundred and forty), commonly referred to as the Hatch Act, and the Act of March sixteenth, nineteen hundred and six (Thirty-fourth Statutes, page sixty-three), known as the Adams Act, and all amendments to said Acts, in accordance with the act of the General Assembly of Georgia, approved December twenty-ninth, eighteen hundred and eighty-eight, establishing the Georgia Experiment Station, and the act of August eighteenth, nineteen hundred and six, accepting the benefits of the Adams Act (Georgia laws, nineteen hundred and six, page eleven hundred and sixty-one): *Provided*

further, That nothing herein shall be construed as limiting the authority of the Secretary of Agriculture over and respecting the supervision of the operation of the said Georgia Experiment Station as set forth in said Acts of Congress. (Oct. 1, 1918, 40 Stat. 998; 7 U. S. C., sec. 383.)

**501. Hawaii made subject to Experiment Station and Cooperative Agricultural Extension Acts.**—That beginning with the fiscal year ending June 30, 1929, the Territory of Hawaii shall be entitled to share in the benefits of the Act entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862, and of the Acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the Act entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July 2, 1862, and of Acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of Acts supplementary thereto: *Provided*, That the experiment station so established shall be conducted jointly and in collaboration with the existing Federal experiment station in Hawaii in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of Agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial station with that of the Federal station and of the United States Department of Agriculture in the islands: *Provided further*, That the Territory of Hawaii shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work. (May 16, 1928, sec. 1, 45 Stat. 571; 7 U. S. C., sec. 386.)

**502. Appropriation for experiment station work in Hawaii.**—To carry into effect the above provisions for extending to Hawaii the benefits of the Act of March 2, 1887, and supplementary Acts in the order and amounts designated by these Acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Hawaii: \$15,000 for the fiscal year ending June 30, 1930; \$20,000 for the fiscal year ending June 30, 1931; \$22,000 for the fiscal year ending June 30, 1932; \$24,000 for the fiscal year ending June 30, 1933; \$26,000 for the fiscal year ending June 30, 1934; \$28,000 for the fiscal year ending June 30, 1935; \$30,000 for the fiscal year ending June 30, 1936; \$50,000 for the fiscal year ending June 30, 1937; \$60,000 for the fiscal year ending June 30, 1938; \$70,000 for the fiscal year ending June 30, 1939; \$80,000 for the fiscal year ending June 30, 1940; and \$90,000 for the fiscal year ending June 30, 1941, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the Act of March 2, 1887. (May 16, 1928, sec. 2, 45 Stat. 572; 7 U. S. C., sec. 386a.)

**503. Increase of appropriation for cooperative agricultural extension work authorized so as to include Hawaii.**—The permanent annual appropriations provided for in section 3 of said Act of May 8, 1914, and of Acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this Act but without diminishing or increasing the amount which any State is

entitled to under the provisions of said Act of May 8, 1914, and of Acts supplementary thereto. (May 16, 1928, sec. 3, 45 Stat. 572; 7 U. S. C., sec. 386b.)

**504. Alaska made subject to Experiment Station and Cooperative Agricultural Extension Acts; amount of appropriation to depend on findings by Secretary.**—That the following Acts, to wit, an Act entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862, and of the Acts supplementary thereto", approved March 2, 1887, as amended and supplemented, and known as the Hatch Act [7 U. S. C., secs. 362, 363, 365, 368, 377-379]; and an Act entitled "An Act to provide for cooperative extension work between the agricultural colleges in the United States receiving the benefits of an Act of Congress approved July 2, 1862, and of Acts supplementary thereto, and the United States Department of Agriculture", approved May 8, 1914, and known as the Smith-Lever Act [7 U. S. C., secs. 341-348], be, and the same are hereby, extended to the Territory of Alaska: *Provided*, That no appropriations shall be made under this Act until annually estimated as to funds and amounts by the Secretary of Agriculture; the estimates to be based upon his determination of the ability of the Territory of Alaska to make effective use of the funds.

With the approval of the Secretary of Agriculture, agricultural experiment substations, to the number of not more than two, may be maintained under the provisions of the Hatch Act. (Feb. 23, 1929, 45 Stat. 1256; 7 U. S. C., sec. 386c.)

**505. Alaska experiment stations; discontinuance authorized.**—That the Secretary of Agriculture is authorized to discontinue either or both of the experiment stations at Sitka and Kodiak, Alaska, whenever in his judgment such action is warranted. (May 27, 1930, 46 Stat. 396.)

**506. Puerto Rico made subject to Experiment Station and Cooperative Agricultural Extension Acts; conditions.**—That beginning with the fiscal year ending June 30, 1933, the Territory of Puerto Rico shall be entitled to share in the benefits of the Act entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862, and of the Acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the Act entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July 2, 1862, and of Acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of Acts supplementary thereto: *Provided*, That the experiment station so established shall be connected with the College of Agriculture of the University of Puerto Rico and it shall be conducted jointly and in collaboration with the existing Federal experiment station in Puerto Rico in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of Agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial stations with that of the Federal station and of the United States Department of Agriculture in the island: *Provided further*, That the several experiment stations now conducted by the

insular government shall be transferred to and coordinated with the experiment station of the College of Agriculture of the University of Puerto Rico, together with whatever funds that are available for the support of the same, and the Secretary of Agriculture may at his discretion transfer such land, buildings, and equipment as he may deem necessary to the experiment station of the College of Agriculture of the University of Puerto Rico: *Provided further*, That the Territory of Puerto Rico shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work. (Mar. 4, 1931, sec. 1, 46 Stat. 1520; May 17, 1932, 47 Stat. 158; 7 U. S. C., sec. 386d.)

507. Increase of appropriation for cooperative agricultural extension work authorized so as to take care of Puerto Rico.—To carry into effect the above provisions for extending to Puerto Rico the benefits of the Act of March 2, 1887, and supplementary Acts in the order and amounts designated by these Acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Puerto Rico: \$15,000 for the fiscal year ending June 30, 1933; \$20,000 for the fiscal year ending June 30, 1934; \$25,000 for the fiscal year ending June 30, 1935; \$30,000 for the fiscal year ending June 30, 1936; \$35,000 for the fiscal year ending June 30, 1937; \$40,000 for the fiscal year ending June 30, 1938; \$45,000 for the fiscal year ending June 30, 1939; \$50,000 for the fiscal year ending June 30, 1940; \$60,000 for the fiscal year ending June 30, 1941; \$70,000 for the fiscal year ending June 30, 1942; \$80,000 for the fiscal year ending June 30, 1943; and \$90,000 for the fiscal year ending June 30, 1944, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the Act of March 2, 1887. (Mar. 4, 1931, sec. 2, 46 Stat. 1520; May 17, 1932, 47 Stat. 158; 7 U. S. C., sec. 386e.)

508. Increase of appropriation for cooperative agricultural extension work authorized so as to take care of Puerto Rico.—The permanent annual appropriations provided for in section 3 of said Act of May 8, 1914, and of Acts supplementary thereto [7 U. S. C., sec. 343] are hereby authorized to be increased by an amount necessary to carry out the provisions of this Act, but without diminishing or increasing the amount to which any State or the Territory of Hawaii is entitled under the provisions of said Act of May 8, 1914, and of Acts supplementary thereto: *Provided*, That for the fiscal year 1933 the total amount available to the Territory of Puerto Rico under the terms of the Act of May 8, 1914, shall be \$50,000, this amount to be increased by \$10,000 annually, or such part thereof as may be necessary, until the total to which Puerto Rico is entitled under the provisions of this Act is reached. Participation in other Federal appropriations for cooperative extension work, including those authorized by the Act of May 22, 1928, shall be at such times and in such amounts as shall be estimated by the Secretary of Agriculture and appropriated by the Congress. (Mar. 4, 1931, sec. 3, 46 Stat. 1521; May 17, 1932, 47 Stat. 158; 7 U. S. C., sec. 386f.)

509. Transfer or sale of property of Alaska, Guam, and Virgin Islands stations.—That the Secretary of Agriculture is authorized to transfer to any Government department or establishment or to local

authorities or institutions such property and/or equipment [of experiment stations in Alaska, Guam, and the Virgin Islands] or to sell the same at public or private sale. (July 7, 1932, sec. 1, 47 Stat. 614; 7 U. S. C., sec. 386g.)

#### THE BUREAU OF ANIMAL INDUSTRY

**510. Establishment of the Bureau of Animal Industry; Chief of Bureau; duty.**—That the Secretary of Agriculture shall organize in his Department a Bureau of Animal Industry, and shall appoint a Chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the condition of the domestic animals and/or livestock of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Secretary of Agriculture is hereby authorized to employ a force sufficient for this purpose. (May 29, 1884, sec. 1, 23 Stat. 31; July 14, 1890, 26 Stat. 288; Feb. 7, 1928, 45 Stat. 59; 7 U. S. C., sec. 391.)

**511. Sale or exchange of animals not needed.**—And hereafter the Secretary of Agriculture is authorized to sell in the open market or to exchange for other breeding animals or animal products to the best advantage, without the usual condemnation proceedings and public auction, such animals or animal products produced or purchased under the appropriations made by Congress for the use of the Bureau of Animal Industry as may not be needed in the work of that bureau: *Provided*, That all moneys received from the sale of such animals or animal products, or as a bonus in the exchange of the same, shall be deposited in the Treasury as miscellaneous receipts. (Aug. 10, 1912, 37 Stat. 274; 7 U. S. C., sec. 392.)

**512. Sale of pathological and zoological specimens.**—Hereafter the Secretary of Agriculture is authorized to prepare and sell at cost such pathological and zoological specimens as he may deem of scientific or educational value to scientists or others engaged in the work of hygiene and sanitation: *Provided*, That all moneys received from the sale of such specimens shall be deposited in the Treasury as miscellaneous receipts. (Mar. 4, 1913, 37 Stat. 833; 7 U. S. C., sec. 393.)

**513. Overtime of employees engaged in enforcement of Meat Inspection Act.**—That, hereafter, the Secretary of Agriculture is authorized, in his discretion, to pay employees of the Bureau of Animal Industry employed in establishments subject to the provisions of the Meat Inspection Act of June 30, 1906 [21 U. S. C., secs. 71-92], for all overtime work performed at such establishments, at such rates as he may determine, and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work. (July 24, 1919, 41 Stat. 241; 7 U. S. C., sec. 394.)

#### BUREAU OF DAIRYING

**514. Bureau of Dairying; establishment.**—That there is hereby established in the Department of Agriculture a bureau to be known as

the "Bureau of Dairying." (May 29, 1924, sec. 1, 43 Stat. 243; 7 U. S. C., sec. 401.)

**515. Appointment and duties of chief.**—That a Chief of the Bureau of Dairying shall be appointed by the Secretary of Agriculture, who shall be subject to the general direction of the Secretary of Agriculture. He shall devote his time to the investigation of the dairy industry, and the dissemination of information for the promotion of the dairy industry. (May 29, 1924, sec. 2, 43 Stat. 243; 7 U. S. C., sec. 402.)

**516. Transfer of activities of Department relating to dairy industry.**—For the purpose of enabling the Secretary of Agriculture and the Chief of the Bureau of Dairying to carry out the purposes of this Act, the Secretary of Agriculture is hereby authorized to transfer to the Bureau of Dairying such activities of the Department of Agriculture as he may designate which relate primarily to the dairy industry, and to employ such additional persons in the city of Washington and elsewhere, as may be necessary. (May 29, 1924, sec. 3, 43 Stat. 243; 7 U. S. C., sec. 403.)

**517. Appropriations.**—For the purpose of carrying out the provisions of this Act and the activities of the Bureau of Dairying, such sums of money as Congress may deem necessary are hereby authorized to be appropriated, in addition to such sums provided for in the Agricultural Appropriation Act for the fiscal year ending June 30, 1925. (May 29, 1924, sec. 4, 43 Stat. 243; 7 U. S. C., sec. 404.)

#### SOIL CONSERVATION SERVICE

**518. Secretary of Agriculture authorized to conduct surveys, carry out preventive measures, etc., to prevent soil erosion.**—That it is hereby recognized that the wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands, and relieve unemployment, and the Secretary of Agriculture, from now on, shall coordinate and direct all activities with relation to soil erosion and in order to effectuate this policy is hereby authorized, from time to time—

(1) To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys, investigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water;

(2) To carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land;

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary, for the purposes of this Act; and

(4) To acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, whenever necessary for the purposes of this Act. (Apr. 27, 1935, sec. 1; Public, 46, 74th Cong.)

**519.** Same; where acts authorized to be performed.—The acts authorized in section 1 (1) and (2) may be performed—

(a) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(b) On any other lands, upon obtaining proper consent or the necessary rights or interests in such lands. (Apr. 27, 1935, sec. 2; Public, 46, 74th Cong.)

**520.** Secretary of Agriculture authorized to impose certain conditions to extending benefits to lands not owned or controlled by United States.—As a condition to the extending of any benefits under this Act to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of this Act, require—

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for the prevention of soil erosion;

(2) Agreements or covenants as to the permanent use of such lands; and

(3) Contributions in money, services, materials, or otherwise, to any operations conferring such benefits. (Apr. 27, 1935, sec. 3; Public 46, 74th Cong.)

**521.** Secretary of Agriculture authorized to secure cooperation of Government agencies; fix compensation of officers and employees; expenditures.—For the purposes of this Act the Secretary of Agriculture may—

(1) Secure the cooperation of any governmental agency;

(2) Subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such officers and employees as he may deem necessary, except for a period not to exceed eight months from the date of this enactment, the Secretary of Agriculture may make appointments and may continue employees of the organization heretofore established for the purpose of administering those provisions of the National Industrial Recovery Act which relate to the prevention of soil erosion, without regard to the civil-service laws or regulations and the Classification Act, as amended; and any persons with technical or practical knowledge may be employed and compensated under this Act on a basis to be determined by the Civil Service Commission; and

(3) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, operation, and maintenance of passenger-carrying vehicles, and perform such acts, and prescribe such regulations, as he may deem proper to carry out the provisions of this Act. (Apr. 27, 1935, sec. 4; Public 46, 74th Cong.)

**522.** Secretary of Agriculture to establish Soil Conservation Service; funds transferred.—The Secretary of Agriculture shall establish an

agency to be known as the "Soil Conservation Service", to exercise the powers conferred on him by this Act and may utilize the organization heretofore established for the purpose of administering those provisions of sections 202 and 203 of the National Industrial Recovery Act which relate to the prevention of soil erosion, together with such personnel thereof as the Secretary of Agriculture may determine, and all unexpended balances of funds heretofore allotted to said organization shall be available until June 30, 1937, and the Secretary of Agriculture shall assume all obligations incurred by said organization prior to transfer to the Department of Agriculture. Funds provided in H. J. Res. 117, "An Act making appropriation for relief purposes" (for soil erosion) shall be available for expenditure under the provisions of this Act; and in order that there may be proper coordination of erosion-control activities the Secretary of Agriculture may transfer to the agency created under this Act such functions, funds, personnel, and property of other agencies in the Department of Agriculture as he may from time to time determine. (Apr. 27, 1935, sec. 5; Public 46, 74th Cong.)

**523. Appropriation authorized.**—There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary. (Apr. 27, 1935, sec. 6; Public 46, 74th Cong.)

#### MISCELLANEOUS MATTERS

**524. Bureau of Crop Estimates.**—Hereafter the powers conferred and the duties imposed by law on the Bureau of Statistics of the Department of Agriculture shall be exercised and performed by the Bureau of Crop Estimates. (June 30, 1914, 38 Stat. 436.)

**525. Bureau of Markets and Crop Estimates.**—That hereafter the powers conferred and the duties imposed by law on the Bureau of Statistics and the Bureau of Crop Estimates of the Department of Agriculture shall be exercised and performed by the Bureau of Markets and Crop Estimates. (Mar. 3, 1921, 41 Stat. 1343.)

**526. Bureau of Agricultural Economics.**—Hereafter the powers conferred and the duties imposed by law on the Bureau of Markets, Bureau of Markets and Crop Estimates, and the Office of Farm Management and Farm Economics of the Department of Agriculture shall be exercised and performed by the Bureau of Agricultural Economics. (May 11, 1922; 42 Stat. 532; 7 U. S. C., sec. 411.)

**527. Secretary of Agriculture authorized to publish turpentine statistics.**—That the Secretary of Agriculture is authorized and directed to collect and/or compile and publish annually, and at such other times, and in such form and on such date or dates as he shall prescribe, statistics and essential information relating to spirits of turpentine and rosin produced, held, and used in the domestic and foreign commerce of the United States. (Aug. 15, 1935, Public, 278, 74th Cong.)

**528. Monthly crop reports.**—That hereafter the monthly crop reports, which shall be gathered as far as practicable from practical farmers, and which shall be printed and distributed on or before the twelfth day of each month, shall embrace statements of the conditions of crops by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above

matter, and that it shall be submitted to and officially approved by the Secretary of Agriculture before being issued or published. (Mar. 4, 1909, 35 Stat. 1053; Mar. 4, 1917, 39 Stat. 1157; 7 U. S. C., sec. 411a.)

**529. Purchase and distribution of seeds; plants.**—That purchase and distribution of vegetable, field, and flower seeds, plants, shrubs, vines, bulbs, and cuttings shall be of the freshest and best obtainable varieties and adapted to general cultivation. (R. S., sec. 527, Apr. 25, 1896, sec. 1, 29 Stat. 106; 7 U. S. C., sec. 415.)

**530. Wool standards; appropriation of certain funds.**—That there is hereby authorized to be appropriated for expenditures by the Secretary of Agriculture, for the purposes hereinafter stated, all funds heretofore or hereafter collected by suit, or otherwise, pursuant to appropriations for the completion of the work of the domestic wool section of the War Industries Board, and for enforcing Government regulations for handling the wool clip of 1918 as established by the wool division of said board, pursuant to the Executive order dated December 31, 1918, transferring such work to the Bureau of Markets, now a part of the Bureau of Agricultural Economics of the Department of Agriculture, and for continuing as far as practicable the distribution among the growers of the wool clip of 1918 of all sums heretofore or hereafter collected or recovered with or without suit by the Government from all persons, firms, or corporations which handled any part of the wool clip of 1918, which he finds it impracticable to distribute among said growers, provided that not to exceed \$50,000 may be expended in any fiscal year. (May 17, 1928, sec. 1, 45 Stat. 593; 7 U. S. C., sec. 415b.)

**531. Same; use made of funds; charge for wool grading and forms of grades.**—Said funds may be used for the purpose of acquiring and diffusing among the people of the United States useful information relative to the standardization, grading, preparation for market, marketing, utilization, transportation, handling, and distribution of wool, and of approved methods and practices relative thereto, including the demonstration and promotion of the use of grades for wool in accordance with standards therefor which the Secretary of Agriculture is hereby authorized to establish. Said funds may be used for the grading of wool, and for such grading or other service rendered hereunder reasonable fees may be charged, and provided further that hereafter reasonable charges may be made for practical forms of grades for wool. (May 17, 1928, sec. 2, 45 Stat. 593; 7 U. S. C., sec. 415c.)

**532. Same; rules and regulations; deposit of receipts.**—The Secretary of Agriculture may make such rules and regulations as he deems advisable for carrying out any of the provisions of this Act. All receipts hereunder shall be deposited in the Treasury to the credit of miscellaneous receipts (May 17, 1928, sec. 3, 45 Stat. 594; 7 U. S. C., sec. 415d.)

**532a. Farmers' bulletins.**—Publications, Department of Agriculture: General Expenses, Division of Publications: \* \* \* for the preparation, printing, and distribution of farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks fur-

nished by Senators, Representatives, and Delegates in Congress, as such Senators, Representatives, or Delegates in Congress shall direct: *Provided*, That the Secretary of Agriculture shall notify Senators, Representatives, and Delegates in Congress of the title and character of each such bulletin, with the total number to which each Senator, Representative, and Delegate may be entitled for such distribution; and on the face of the envelope inclosing said bulletins shall be printed the title of each bulletin contained therein: *Provided further*, That all such bulletins included in the quotas of Senators, Representatives, or Delegates not called for on or before the thirty-first day of May in each fiscal year shall revert to the Secretary of Agriculture, and be available to him, either for miscellaneous distribution, or in making up Congressional quotas for the next fiscal year. (June 30, 1906, 34 Stat. 690; 7 U. S. C., sec. 417.)

**533. Report on work of agricultural experiment stations, and on extension work; printing and distribution.**—That hereafter there be prepared by the Department of Agriculture an annual report on the work and expenditures of the agricultural experiment stations established under the Act of Congress of March second, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, page four hundred and forty) [7 U. S. C., ch. 14], on the work and expenditures of the Department of Agriculture in connection therewith, and on the cooperative agricultural extension work and expenditures of the Department of Agriculture and of agricultural colleges under the Act of May eighth, nineteen hundred and fourteen, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and of Acts supplementary thereto, and the United States Department of Agriculture" [7 U. S. C., secs. 341-348]; and that there be printed annually eight thousand copies of said report, of which one thousand copies shall be for the use of the Senate, two thousand copies for the use of the House of Representatives, and five thousand copies for the use of the Department of Agriculture. (Mar. 4, 1915, 38 Stat. 1110; 7 U. S. C., sec. 418.)

**534. Power to administer oaths, examine witnesses, and call for production of books.**—That hereafter, in the performance of the duties required of the Bureau of Agricultural Economics in the administration or enforcement of provisions of Acts (United States Cotton Futures Act, Thirty-ninth Statutes at Large, page 476 [26 U. S. C., ch. 14]; United States Grain Standards Act, Thirty-ninth Statutes at Large, page 482 [7 U. S. C., ch. 3]; United States Warehouse Act, Thirty-ninth Statutes at Large, page 486 [7 U. S. C., ch. 10]; Standard Container Act, Thirty-ninth Statutes at Large, page 673 [15 U. S. C., secs. 251-256]; and the Acts making annual appropriations for the Department of Agriculture) relating to the Department of Agriculture, the Secretary of Agriculture, or any representative specifically authorized in writing by him for the purpose, shall have power to administer oaths, examine witnesses, and call for the production of books and papers. (July 24, 1919, 41 Stat. 267; 7 U. S. C., sec. 420.)

**535. Dairying and livestock experiment station, Mandan, N. Dak.**—That the Secretary of Agriculture is authorized and directed to

establish at Mandan, North Dakota, a dairying and livestock experiment station, in connection with the Great Plains Experiment Station, for investigations and experiments in the dairy and livestock industries and the problems pertaining to the establishment and development of such industries, and for demonstrations, assistance, and service in livestock breeding, growing, and feeding. (July 3, 1926, sec. 1, 44 Stat. 840; 7 U. S. C., sec. 421.)

**536. Annual appropriation.**—That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000, or so much thereof as may be necessary, to carry out the provisions of this Act, including the acquisition of suitable lands, the construction of buildings, the purchase of livestock and breeders, and the employment of necessary persons. (July 3, 1926, sec. 2, 44 Stat. 840; 7 U. S. C., sec. 421a.)

**537. Dairying and livestock experiment station, Lewisburg, Tenn.**—That the Secretary of Agriculture is authorized and directed to establish at or near Lewisburg, Tennessee, a dairying station for investigations, experiments, and demonstrations in the dairy industry, and the problems pertaining to the development of such industry in the South, and for investigations, demonstrations, assistance, and service in dairy livestock breeding, growing, and feeding, and dairy products manufacture. (May 29, 1928, sec. 1, 45 Stat. 981; 7 U. S. C., sec. 422.)

**538. Appropriation; land to be furnished by States.**—That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, to carry out the provisions of this Act, including the construction of buildings, the acquirement of equipment and apparatus, the purchase of livestock, and the employment of necessary persons; and each fiscal year thereafter necessary appropriations for the maintenance of said station as contemplated by this Act: *Provided*, That suitable lands are furnished by the State or other interests. (May 29, 1928, sec. 2, 45 Stat. 981; 7 U. S. C., sec. 422a.)

**539. Cotton; investigation of new uses; cooperation with State and other agencies.**—That the Secretary of Agriculture and the Secretary of Commerce are hereby authorized to engage in technical and scientific research in American-grown cotton and its by-products and their present and potential uses, including new and additional commercial and scientific uses for cotton and its by-products, and to diffuse such information among the people of the United States; and the Secretary of Agriculture and the Secretary of Commerce or their duly authorized representatives may cooperate with any department or agency of the Government, any State, Territory, District, or possession or department, agency, or political subdivision thereof, or any person in carrying out the purposes of this Act in the District of Columbia and elsewhere. (Apr. 12, 1928, 45 Stat. 426; 7 U. S. C., sec. 423.)

**540. Cotton ginning investigations; publication of results; cooperation with Federal and State departments and agencies.**—That the Secretary of Agriculture is hereby authorized to investigate the ginning of cotton; to establish and maintain experimental ginning plants and laboratories; and to make such tests, demonstrations, and experiments, and such technical and scientific studies in relation to cotton ginning as he shall deem necessary and to publish the results thereof, with a

view to developing improved ginning equipment and encouraging the use of improved methods, and he may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, as he shall find to be necessary. (Apr. 19, 1930, sec. 1, 46 Stat. 248; 7 U. S. C., sec. 424.)

**541.** Same; appropriations.—That for the purposes of this Act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not more than the sum of \$100,000 for the fiscal year ending June 30, 1931, and thereafter such sums as may be necessary. (Apr. 19, 1930, sec. 2, 46 Stat. 248; 7 U. S. C., sec. 425.)

**542.** Predatory animals; eradication and control.—That the Secretary of Agriculture is hereby authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary in order to determine, demonstrate, and promulgate the best methods of eradication, suppression, or bringing under control on national forests and other areas of the public domain as well as on State, Territory, or privately owned lands of mountain lions, wolves, coyotes, bobcats, prairie dogs, gophers, ground squirrels, jack rabbits, and other animals injurious to agriculture, horticulture, forestry, animal husbandry, wild-game animals, fur-bearing animals, and birds, and for the protection of stock and other domestic animals through the suppression of rabies and tularemia in predatory or other wild animals; and to conduct campaigns for the destruction or control of such animals: *Provided*, That in carrying out the provisions of this Act the Secretary of Agriculture may cooperate with States, individuals, and public and private agencies, organizations, and institutions. (Mar. 2, 1931, sec. 1, 46 Stat. 1468; 7 U. S. C., sec. 426.)

**543.** Appropriations.—That in order to carry out the provisions of this Act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 1932, a sum not to exceed \$1,000,000, including the amount appropriated in the annual appropriation Act for the Department of Agriculture, and for the succeeding nine fiscal years from 1933 to 1941, inclusive, not to exceed \$1,000,000 each year, in accordance with the ten-year program for the eradication, suppression, or bringing under control of predatory and other injurious wild animals as outlined in House Document Numbered 496, second session, Seventieth Congress. (Mar. 2, 1931, sec. 2, 46 Stat. 1469; 7 U. S. C., sec. 426a.)

**544.** Expenditures; functions of Secretary of Agriculture.—That the Secretary of Agriculture is authorized to make such expenditures for equipment, supplies, and materials, including the employment of persons and means in the District of Columbia and elsewhere, and to employ such means as may be necessary to execute the functions imposed upon him by this Act. (Mar. 2, 1931, sec. 3, 46 Stat. 1469; 7 U. S. C., sec. 426b.)

**545.** Acquisition of sites in Washington, Florida, and Georgia, for plant propagating stations.—The Secretary of Agriculture is authorized to acquire by gift, devise, or by purchase in fee simple for a sum not to exceed \$1 for each site, the sites now occupied by field stations at Chico, California, consisting of about eighty acres and used for

propagating, testing, and distributing new plant introductions; the site at Bellingham, Washington, consisting of about sixty acres and used as a bulb station and for propagating, testing, and distributing new crop plants; and the sites at Buena Vista, Florida, and Savannah, Georgia, consisting of about twenty-five acres and about forty-six acres, respectively, and used for propagating, testing, and distributing new crop plants peculiarly adapted to the warmer parts of the United States. (May 31, 1920, 41 Stat. 730.)

**546. Purchase of lands in California for experimental vineyards.**—That the Secretary of Agriculture be, and he is hereby, authorized to purchase and acquire the lands occupied by the department's experiment vineyards near Fresno and Oakville, California, now maintained under contracts with the owners of said lands: *Provided*, That the land purchased for the Fresno vineyards shall not exceed twenty acres at a cost not to exceed \$12,000 and for the Oakville vineyard not to exceed twenty acres at a cost not to exceed \$15,000. (Mar. 2, 1921, 41 Stat. 1205.)

**547. Transfer of Fort Keogh Military Reservation.**—That the Secretary of War having determined that the lands embraced in the Fort Keogh Military Reservation, in the State of Montana, are no longer needed for military purposes, an Executive order of February 2, 1924, having transferred the said lands to the Department of the Interior for disposition, the said lands are hereby transferred to and placed under the control of the United States Department of Agriculture for use by that department for experiments in stock raising and growing of forage crops in connection therewith: *Provided*, That if the lands are not used for the purpose mentioned herein, or having been used for such purpose, are subsequently abandoned as being no longer needed for such purpose, then, and in that event, the said land shall revert to, and become subject to the control and jurisdiction of the Department of the Interior: *Provided further*, That this transfer shall not affect any existing legal rights to lands in the reservation: *And provided further*, That there shall be excepted from the effect hereof that portion of said reservation described as follows:

A tract beginning at a point which is south eighteen degrees fifteen minutes west from the center of section 33, township 8 north of range 47 east, Montana principal meridian, and distant therefrom one thousand six hundred and sixty feet; thence north thirty-six degrees no minutes west one thousand eight hundred and eighty-five feet; thence north sixty-eight degrees ten minutes east one thousand one hundred and five feet; thence north eighty-eight degrees forty minutes east three hundred and eighty feet; thence south fifty-nine degrees five minutes east three hundred and seventy-five feet; thence south twenty-eight degrees thirty-five minutes east three hundred and sixty-five feet; thence south twelve degrees fifty minutes east two hundred and eighty-five feet; thence south fourteen degrees ten minutes west two hundred and fifteen feet; thence south forty degrees twenty-five minutes west three hundred and twenty-five feet; thence south forty-six degrees twenty-five minutes west five hundred and five feet; thence south twenty-nine degrees thirty minutes west three hundred and ninety feet to the point of beginning, containing forty-eight and three-tenths acres, more or less.

Also a tract beginning at a point which is south five degrees thirty minutes west of the center of section 33, township 8 north, range 47 east of Montana principal meridian, and distant therefrom two thousand two hundred and eighty feet; thence south forty-one degrees thirty minutes west one thousand and eighty feet; thence north seventy-three degrees twenty minutes west one thousand nine hundred and twenty-five feet; thence north sixteen degrees forty minutes east two thousand three hundred and seventy-five feet; thence north sixty-eight degrees ten minutes east three hundred and forty feet; thence south thirty-five degrees forty-five minutes east two thousand six hundred and fifty-five feet, to the point of beginning, containing ninety-six and one-tenth acres, more or less. (Apr. 15, 1924, 43 Stat. 99.)

**548. Tags of Government motor vehicles in District of Columbia.**—That all motor vehicles owned and officially used by the United States or by the District of Columbia shall carry registration tags of the same character and the operator of any such motor vehicle shall be subject to the same regulations and provisions as apply to all other motor vehicles operated within the District of Columbia, all such registration tags and all registration certificates to be furnished without charge. (Apr. 23, 1924, sec. 13, 43 Stat. 109; 20 D. C. Code, sec. 843.)

**549. Motor-vehicle fuel sold by Government agencies in District of Columbia for use in private vehicles; collection of tax.**—That when under authority of law gasoline or other motor-vehicle fuel is sold by an agency of the United States within the District of Columbia, for use in privately owned vehicles, such agency of the United States shall, by agreement with the Commissioners of the District of Columbia, arrange for the collection of the tax of 2 cents per gallon herein authorized to be imposed, and for accounting to the collector of taxes of the District of Columbia for the proceeds of such tax collections. (Apr. 23, 1924, sec. 14, 43 Stat. 109; 20 D. C. Code, sec. 844.)

#### EXPERIMENTAL AGRICULTURE ON ARLINGTON ESTATE

**550. Portion of Arlington estate transferred to Secretary.**—That jurisdiction is hereby transferred and given to the Secretary of Agriculture and his successors in office over so much of the Government land in Alexandria County, Virginia, known as the Arlington estate, as lies east of the public road, leading from the Aqueduct Bridge to Alexandria, Virginia, otherwise called the Georgetown and Alexandria road, and between said road and the Potomac River, containing about four hundred acres, with the exception, however, of a strip of land as follows, commencing at the point where the Georgetown and Alexandria road enters the Arlington estate on the north side, thence along said road six hundred and twenty-five yards, thence in a line perpendicular to said road to the Chesapeake and Ohio Canal, thence along said canal to the south line of the reservation, jurisdiction over which is retained by the Secretary of War. (Apr. 18, 1900, sec. 1; 31 Stat. 135.)

**551. Purpose of act.**—That the declared purpose of this Act is to set apart said tract of land as a general experimental farm in its broadest sense, where all that pertains to agriculture in its several and different branches, including animal industry and horticulture, may

be fostered and encouraged, and the practice and science of farming in the United States advanced, promoted, and practically illustrated. (Apr. 18, 1900, sec. 2; 31 Stat. 136.)

**552. Property to be controlled by Secretary of Agriculture; improvements not to interfere with natural waterways, etc.; rights of electric railway company not impaired.**—That the Secretary of Agriculture will take immediate and absolute control of said property described in section one, and by clearing, underdraining, grassing, laying out proper roads and driveways, constructing proper bridges and buildings, and in other ways as his judgment may dictate bring said property as rapidly as possible into the proper condition to answer the purposes for which it is set apart: *Provided*, That all improvements of or which may at any time be made upon said premises, as herein contemplated, shall be so located, constructed, and maintained as not to interfere with or obstruct the natural waterways or the sewers or other means now established or which may hereafter be provided, constructed, or maintained for the purpose of affording proper drainage and sewerage to the other portions of said estate: *And provided further*, That this Act shall not impair or interfere with any of the rights heretofore granted by Act of Congress to the Washington, Alexandria and Mount Vernon Railway Company to construct, maintain, and operate its electric railroad across the said portion of the estate lying east of said public road. (Apr. 18, 1900, sec. 3, 31 Stat. 136.)

**553. Secretary of Agriculture given discretion to carry act into effect.**—That in the development, improvement, and management of said property full discretion is hereby given the Secretary of Agriculture and his successors in office to carry into effect the declared purposes of this Act. (Apr. 18, 1900, sec. 4, 31 Stat. 136.)

#### RESEARCH INTO LAWS AND PRINCIPLES UNDERLYING BASIC PROBLEMS OF AGRICULTURE

**554. Secretary of Agriculture authorized to conduct research into basic problems.**—The Secretary of Agriculture is authorized and directed to conduct research into laws and principles underlying basic problems of agriculture in its broadest aspects; research relating to the improvement of the quality of, and the development of new and improved methods of production of, distribution of, and new and extended uses and markets for, agricultural commodities and by-products and manufactures thereof; and research relating to the conservation, development, and use of land and water resources for agricultural purposes. Research authorized under this section shall be in addition to research provided for under existing law (but both activities shall be coordinated so far as practicable) and shall be conducted by such agencies of the Department of Agriculture as the Secretary may designate or establish. (June 29, 1935, sec. 1, title I, Public, 182, 74th Cong.)

**555. Similar research by experiment stations.**—The Secretary is also authorized and directed to encourage research similar to that authorized under section 1 to be conducted by agricultural experiment stations established or which may hereafter be established in pursuance of the Act of March 2, 1887, providing for experiment sta-

tions, as amended and supplemented, by the allotment and payment as provided in section 5 to Puerto Rico and the States and Territories for the use of such experiment stations of sums appropriated therefor pursuant to this title. (June 29, 1935, sec. 2, title I, Public, 182, 74th Cong.)

**556. Appropriation.**—For the purposes of this title there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000 for the fiscal year beginning after the date of the enactment of this title, and for each of the four fiscal years thereafter \$1,000,000 more than the amount authorized for the preceding fiscal year, and \$5,000,000 for each fiscal year thereafter. Moneys appropriated in pursuance of this title shall also be available for the purchase and rental of land and the construction of buildings necessary for conducting research provided for in this title, for the equipment and maintenance of such buildings, and for printing and disseminating the results of research. Sums appropriated in pursuance of this title shall be in addition to, and not in substitution for, appropriations for research or other activities of the Department of Agriculture and sums appropriated or otherwise made available for agricultural experiment stations. (June 29, 1935, sec. 3, title I, Public, 182, 74th Cong.)

**557. "Special research fund."**—Forty per centum of the sums appropriated for any fiscal year under section 3 shall be available for the purposes of section 1: *Provided*, That not to exceed 2 per centum of the sums appropriated may be used for the administration of section 5 of this title. The sums available for the purposes of section 1 shall be designated as the "Special research fund, Department of Agriculture", and no part of such special fund shall be used for the prosecution of research heretofore instituted or for the prosecution of any new research project except upon approval in writing by the Secretary. One-half of such special research fund shall be used by the Secretary for the establishment and maintenance of research laboratories and facilities in the major agricultural regions at places selected by him and for the prosecution, in accordance with section 1, of research at such laboratories. (June 29, 1935, sec. 4, title I, Public 182, 74th Cong.)

**558. Allotments.**—(a) Sixty per centum of the sums appropriated for any fiscal year under section 3 shall be available for the purposes of section 2. The Secretary shall allot, for each fiscal year for which an appropriation is made, to Puerto Rico and each State and Territory an amount which bears the same ratio to the total amount to be allotted as the rural population of Puerto Rico or the State or Territory bears to the rural population of Puerto Rico and all the States and Territories as determined by the last preceding decennial census. No allotment and no payment under any allotment shall be made for any fiscal year in excess of the amount which Puerto Rico or the State or Territory makes available for such fiscal year out of its own funds for research and for the establishment and maintenance of necessary facilities for the prosecution of such research. If Puerto Rico or any State or Territory fails to make available for such purposes for any fiscal year a sum equal to the total amount to which it may be entitled for such year, the remainder of such amount shall be withheld by the Secretary. The total amount so

withheld may be allotted by the Secretary of Agriculture to Puerto Rico and the States and Territories which make available for such year an amount equal to that part of the total amount withheld which may be allotted to them by the Secretary of Agriculture, but no such additional allotment to Puerto Rico or any State or Territory shall exceed the original allotment to Puerto Rico or such State or Territory for that year by more than 20 per centum thereof.

(b) The sums authorized to be allotted to Puerto Rico and the States and Territories shall be paid annually in quarterly payments on July 1, October 1, January 1, and April 1. Such sums shall be paid by the Secretary of the Treasury upon warrant of the Secretary of Agriculture in the same manner and subject to the same administrative procedure set forth in the Act of March 2, 1887, as amended June 7, 1888. (June 29, 1935, sec. 5, title I, Public 182, 74th Cong.)

**559. Territory defined.**—As used in this title the term "Territory" means Alaska and Hawaii. (June 29, 1935, sec. 6, title I, Public 182, 74th Cong.)

**560. Rules and regulations.**—The Secretary of Agriculture is authorized and directed to prescribe such rules and regulations as may be necessary to carry out this Act. (June 29, 1935, sec. 7, title I, Public 182, 74th Cong.)

**561. Right reserved to alter, etc., act.**—The right to alter, amend, or repeal this Act is hereby expressly reserved. (June 29, 1935, sec. 8, title I, Public 182, 74th Cong.)

#### COTTON STATISTICS AND ESTIMATES

**562. Statistics and estimates of grades and staple length of cotton; collection and publication.**—That the Secretary of Agriculture be, and he is hereby, authorized and directed to collect and publish annually, on dates to be announced by him, statistics or estimates concerning the grades and staple length of stocks of cotton, known as the carry-over, on hand on the 1st of August of each year in warehouses and other establishments of every character in the continental United States; and following such publication each year, to publish, at intervals in his discretion, his estimate of the grades and staple length of cotton of the then current crop: *Provided*, That not less than three such estimates shall be published with respect to each crop. In any such statistics or estimates published, the cotton which on the date for which such statistics are published may be recognized as tenderable on contracts of sale of cotton for future delivery under the United States Cotton Futures Act of August 11, 1916, as amended [26 U. S. C., ch. 14], shall be stated separately from that which may be untenderable under said Act as amended. (Mar. 3, 1927, sec. 1, 44 Stat. 1372; 7 U. S. C., sec. 471.)

**563. Information furnished of confidential character.**—That the information furnished by any individual establishment under the provisions of this Act shall be considered as strictly confidential and shall be used only for the statistical purpose for which it is supplied. Any employee of the Department of Agriculture who, without the written authority of the Secretary of Agriculture, shall publish or communicate any information given into his possession by reason of his employment under the provisions of this Act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less

than \$300 or more than \$1,000, or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court. (Mar. 3, 1927, sec. 2, 44 Stat. 1373; 7 U. S. C., sec. 472.)

**564. Persons required to furnish information; request, failure to furnish; false information.**—That it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cotton warehouse, cotton ginnery, cotton mill, or other place or establishment where cotton is stored, whether conducted as a corporation, firm, limited partnership, or individual, and of any owner or holder of any cotton and of the agents and representatives of any such owner or holder, when requested by the Secretary of Agriculture or by any special agent or other employee of the Department of Agriculture acting under the instructions of said Secretary to furnish completely and correctly to the best of his knowledge, all of the information concerning the grades and staple length of cotton on hand, and when requested to permit such agent or employee of the Department of Agriculture to examine and classify samples of all such cotton on hand. The request of the Secretary of Agriculture for such information may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any cotton warehouse, cotton ginnery, cotton mill, or other place or establishment where cotton is stored, or any owner or holder of any cotton or the agent or representative of any such owner or holder, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any information herein provided for or shall willfully give answers that are false or shall refuse to allow agents or employees of the Department of Agriculture to examine or classify any cotton in store in any such establishment, or in the hands of any owner or holder or of the agent or representative of any such owner or holder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$300 or more than \$1,000. (Mar. 3, 1927, sec. 3, 44 Stat. 1373; 7 U. S. C., sec. 473.)

**565. Powers of Secretary of Agriculture; appropriation.**—The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for the purchase of samples of cotton, for rent outside the District of Columbia, printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes. (Mar. 3, 1927, sec. 4, 44 Stat. 1373; 7 U. S. C., sec. 474.)

**566. Cotton crop reports.**—That, of the reports issued by the Secretary of Agriculture, pursuant to the Act entitled "An Act authorizing the Department of Agriculture to issue semimonthly cotton crop

reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce ", approved May 3, 1924 [7 U. S. C., sec. 413], only five shall be issued hereafter, one as of August 1, one as of September 1, one as of October 1, one as of November 1, and one as of December 1, each of which shall state the condition and progress of the crop and the probable number of bales which will be ginned, these reports to be issued simultaneously with the cotton ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at eleven antemeridian of the eighth day following that to which the respective reports relate. When such date of release falls on Sunday or a legal holiday the report shall be issued at eleven o'clock antemeridian of the next succeeding workday. (Mar. 4, 1909, 35 Stat. 1053; Mar. 3, 1927, sec. 5, 44 Stat. 1373; 7 U. S. C., sec. 475.)

**567. Reporting committee.**—No such report shall be approved and released by the Secretary of Agriculture until it shall have been passed upon by a cotton crop reporting committee or board consisting of five members or more to be designated by him, not less than three of which shall be supervisory field statisticians of the Department of Agriculture located in different sections of the cotton-growing States, experienced in estimating cotton production and who have first-hand knowledge of the condition of the cotton crop based on recent field observations, and a majority of which committee or board shall be familiar with the methods and practices of producing cotton. (May 3, 1924, sec. 1, 43 Stat. 115; 7 U. S. C., sec. 475.)

**568. Acreage reports.**—The Secretary of Agriculture shall cause to be issued a report on or before the 10th day of July of each year showing by States and in toto the number of acres of cotton in cultivation on July 1, to be followed on September 1 and December 1 with an estimate of the acreage of cotton abandoned since July 1. (Mar. 3, 1927, sec. 6, 44 Stat. 1374; 7 U. S. C., sec. 476.)

#### PRODUCE AGENCY ACT

**569. Destruction or dumping of farm produce; false reports; failure to account; penalty; investigation; certificate.**—That after June 30, 1927, any person, firm, association, or corporation receiving any fruits, vegetables, melons, dairy, or poultry products or any perishable farm products of any kind or character, hereinafter referred to as produce, in interstate commerce, or in the District of Columbia, for or on behalf of another, who without good and sufficient cause therefor, shall destroy, or abandon, discard as refuse or dump any produce directly or indirectly, or through collusion with any person, or who shall knowingly and with intent to defraud make any false report or statement to the person, firm, association, or corporation from whom any produce was received, concerning the handling, condition, quality, quantity, sale or disposition thereof, or who shall knowingly and with intent to defraud fail truly and correctly to account therefor shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 and not more than \$3,000, or by imprisonment for a period of not exceeding one year, or both, at the discretion of the court. The Secretary of Agriculture

shall by regulation provide for the making of prompt investigations and the issuing of certificates as to the quality and condition of produce received in interstate commerce or in the District of Columbia, upon application of any person, firm, association, or corporation shipping, receiving, or financially interested in, such produce. Such regulations shall designate the classes of persons qualified and authorized to make such investigations and issue such certificates, except that any such investigation shall be made and any such certificate shall be issued by at least two disinterested persons in any case where such investigation is not made by an officer or employee of the Department of Agriculture or of any State or political subdivision thereof or of the District of Columbia. A certificate made in compliance with such regulations shall be *prima facie* evidence in all Federal courts of the truth of the statements therein contained as to the quality and condition of the produce; but if any such certificate is put in evidence by any party, in any civil or criminal proceeding, the opposite party shall be permitted to cross-examine any person signing such certificate, called as a witness at the instance of either party, as to his qualifications and authority and as to the truth of the statements contained in such certificate. (Mar. 3, 1927, sec. 1, 44 Stat. 1355; 7 U. S. C., secs. 491, 492.)

**570. Enforcement of provisions; prosecution of cases.**—The Secretary of Agriculture is hereby authorized and directed to enforce this Act. It is hereby made the duty of all United States attorneys to prosecute cases arising under this Act, subject to the supervision and control of the Department of Justice. (Mar. 3, 1927, sec. 2, 44 Stat. 1355; 7 U. S. C., sec. 493.)

**571. Rules and regulations; cooperation with States, etc.; expenditures; appropriation; other statutes.**—The Secretary of Agriculture may make such rules and regulations as he may deem advisable to carry out the provisions of this Act and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and may call upon any Federal department, board, or commission for assistance in carrying out the purposes of this Act; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law and make such expenditure for rent, outside the District of Columbia, printing, telegrams, telephones, books of reference, books of law, periodicals, newspapers, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be deemed necessary to the administration of this Act in the District of Columbia and elsewhere, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$25,000 to be available for expenditure during the fiscal year beginning July 1, 1927, and the appropriation of such additional sums as may be necessary thereafter to carry out the purposes of this Act is hereby authorized. This Act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this Act, but it is intended that all such statutes shall remain in full force and effect, except insofar only as they are inconsistent herewith or repugnant thereto. (Mar. 3, 1927, sec. 3, 44 Stat. 1355; 7 U. S. C., secs. 494, 495, 496.)

**572. Invalidity of any provision of act as affecting other provisions.**—If any provision of this Act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the applicability of such provisions to other persons and circumstances shall not be affected thereby. (Mar. 3, 1927, sec. 4, 44 Stat. 1355; 7 U. S. C., sec. 497.)

#### PERISHABLE AGRICULTURAL COMMODITIES ACT

**573. Definitions.**—That when used in this Act—

(1) The term "person" includes individuals, partnerships, corporations, and associations;

(2) The term "Secretary" means the Secretary of Agriculture;

(3) The term "interstate or foreign commerce" means commerce between any State or Territory, or the District of Columbia and any place outside thereof; or between points within the same State or Territory, or the District of Columbia but through any place outside thereof; or within the District of Columbia;

(4) The term "perishable agricultural commodity" means any of the following, whether or not frozen or packed in ice: Fresh fruits and fresh vegetables of every kind and character;

(5) The term "commission merchant" means any person engaged in the business of receiving in interstate or foreign commerce any perishable agricultural commodity for sale, on commission, or for or on behalf of another;

(6) The term "dealer" means any person engaged in the business of buying or selling in carloads any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a "dealer" in respect of sales of any such commodity of his own raising; (B) no person buying any such commodity solely for sale at retail shall be considered as a "dealer" in respect of any such commodity in any calendar year until his purchases of such commodity in carloads in such year are in excess of twenty; and (C) no person buying any such commodity for canning and/or processing within the State where grown shall be considered a "dealer" whether or not the canned or processed product is to be shipped in interstate or foreign commerce. Any person not considered as a "dealer" under clauses (A), (B), and (C) may elect to secure a license under the provisions of section 3 [7 U. S. C., sec. 499c], and in such case and while the license is in effect such person shall be considered as a "dealer." As used in this paragraph, the term "in carloads" includes wholesale or jobbing quantities as defined for any such commodity by the Secretary;

(7) The term "broker" means any person engaged in the business of negotiating sales and purchases of any perishable agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, respectively;

(8) A transaction in respect of any perishable agricultural commodity shall be considered in interstate or foreign commerce if such commodity is part of that current of commerce usual in the trade in that commodity whereby such commodity and/or the products of such commodity are sent from one State with the expectation

that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where sale is either for shipment to another State, or for processing within the State and the shipment outside the State of the products resulting from such processing. Commodities normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. (June 10, 1930, sec. 1, 46 Stat. 531; Apr. 13, 1934, sec. 1, 48 Stat. 584; 7 U. S. C., sec. 499a.)

#### UNFAIR CONDUCT

**574. What constitutes.**—It shall be unlawful in or in connection with any transaction in interstate or foreign commerce—

(1) For any commission merchant or broker to make any fraudulent charge in respect of any perishable agricultural commodity received in interstate or foreign commerce;

(2) For any dealer to reject or fail to deliver in accordance with the terms of the contract without reasonable cause any perishable agricultural commodity bought or sold or contracted to be bought, sold, or consigned in interstate or foreign commerce by such dealer;

(3) For any commission merchant to discard, dump, or destroy without reasonable cause any perishable agricultural commodity received by such commission merchant in interstate or foreign commerce;

(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving or concerning the condition of the market for any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned in such commerce by such dealer; or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any such transaction in any such commodity to the person with whom such transaction is had;

(5) For any commission merchant, dealer, or broker, for a fraudulent purpose, to represent by word, act, or deed that any perishable agricultural commodity received in interstate or foreign commerce was produced in a State or in a country other than the State or the country in which such commodity was actually produced;

(6) For any commission merchant, dealer, or broker, for a fraudulent purpose, to remove, alter, or tamper with any card, stencil, stamp, tag, or other notice, placed upon any container or railroad car containing any perishable agricultural commodity, if such card, stencil, stamp, tag, or other notice contains a certificate under authority of any Federal or State inspector as to the grade or quality of the commodity contained in such container or railroad car or the State or country in which such commodity was produced. (June 10, 1930, sec. 2, 46 Stat. 532; Apr. 13, 1934, secs. 2, 3, 48 Stat. 585; 7 U. S. C., sec. 499b.)

**LICENSES**

**575. (a) By whom required; penalty for failure to obtain.**—After the expiration of six months after the approval of this Act no person shall at any time carry on the business of a commission merchant, dealer, or broker without a license valid and effective at such time. Any person who violates any provision of this subdivision shall be liable to a penalty of not more than \$500 for each such offense and not more than \$25 for each day it continues, which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

**(b) Application; to whom made; fee.**—Any person desiring any such license shall make application to the Secretary. The Secretary may by regulation prescribe the information to be contained in such application. Upon the filing of the application, and annually thereafter, the applicant shall pay a fee of \$10. (June 10, 1930, sec. 3, 46 Stat. 533; 7 U. S. C., sec. 499c.)

**576. (a) Issuance of license; authority exercised thereunder; termination.**—Whenever an applicant has paid the prescribed fee the Secretary, except as provided in subdivision (b) of this section, shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or dealer and/or broker unless and until it is suspended or revoked by the Secretary in accordance with the provisions of this Act, but said license shall automatically terminate unless the annual fee is paid within thirty days after notice has been mailed that payment is due.

**(b) Refusal of license; grounds; effect of giving bond.**—The Secretary shall refuse to issue a license to an applicant if he finds (1) that the applicant has previously, at any time within two years, been responsible in whole or in part for any violation of the provisions of section 2 [7 U. S. C., sec. 499b] for which a license of the applicant, or the license of any partnership, association, or corporation in which the applicant held any office, or, in the case of a partnership, had any share or interest, was revoked, or (2) if he finds after notice and hearing that at any time within two years said applicant was responsible in whole or in part for any flagrant or repeated violations of the provisions of section 2 [7 U. S. C., sec. 499b], or (3) in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant, had previously, at any time within two years, been responsible in whole or in part for any violations of the provisions of section 2 [7 U. S. C., sec. 499b] for which the license of such individual, or of any partnership, association, or corporation in which such person held any office, or, in the case of a partnership, had any share or interest, was revoked, or if he finds after notice and hearing that at any time within two years said applicant was responsible in whole or in part for any flagrant or repeated violations of the provisions of section 2 [7 U. S. C., sec. 499b], or (4) that the applicant, subject to his right of appeal under section 7 (b) [7 U. S. C., sec. 499g(b)], has failed, except in case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued, within two years, against him as an individual, or against a partnership of which he was a

member, or an association or corporation in which he held any office, or, in case the applicant is a partnership, association, or corporation, that any individual holding any office, or in the case of a partnership, having any interest or share in the applicant, subject to his right of appeal under section 7 (b) [7 U. S. C., sec. 499g(b)], has failed, except in the case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued, within two years, against him as an individual, or against a partnership of which he was a member, or an association or corporation in which he held any office. Notwithstanding the foregoing provisions, the Secretary, in the case of such applicant, may issue a license if the applicant furnishes a bond or other satisfactory assurance that his business will be conducted in accordance with the provisions of this Act, and that he will pay all reparation orders which may previously have been issued against him for violations, or which may be issued against him within two years following the date of the license, subject to his right of appeal under section 7 (b) [7 U. S. C., sec. 499g(b)], but such license shall not be issued before the expiration of one year from the date of such revocation, or from the date of the Secretary's finding that applicant has been responsible, in whole or in part, for any flagrant or repeated violation of section 2 [7 U. S. C., sec. 499b].

(c) **Revocation; reemployment.**—The Secretary may, after thirty days' notice and an opportunity for a hearing, revoke the license of any commission merchant, dealer, or broker who after the date given in such notice continues to employ in any responsible position any individual whose license was revoked or who was responsibly connected with any firm, partnership, association, or corporation whose license has been revoked within one year prior to the date of such notice. Employment of such individual by a licensee in any responsible position after one year following the revocation of any such license shall be conditioned upon the filing by the employing licensee of a bond or other satisfactory assurance that its business will be conducted in accordance with the provisions of this Act;

(d) **Withholding for investigation.**—The Secretary may withhold the issuance of a license to an applicant, for a period of not to exceed thirty days pending investigation, if the Secretary believes that the application contains any material false or misleading statement or involves misrepresentation, concealment or withholding of facts respecting any violation of the Act by any officer, agent, or employee. If, after investigation, the Secretary believes that the applicant should be refused a license, the applicant shall be given an opportunity for a hearing within sixty days from the date of the application to show cause why a license should not be refused. If after hearing the Secretary finds that the application contains a material false or misleading statement made by the applicant or by its representative on its behalf or involves a misrepresentation, concealment, or withholding of facts respecting any violation of the Act by any officer, agent, or employee, the Secretary shall refuse to issue a license to the applicant.

(e) **Revocation for false statements in application.**—If, after a license shall have been issued to an applicant, the Secretary believes that the license was obtained through a false or misleading state-

ment in the application therefor or through a misrepresentation, concealment, or withholding of facts respecting any violation of the Act by any officer, agent, or employee, he may, after thirty days' notice and an opportunity for a hearing, revoke said license, whereupon no license shall be issued to said applicant or any applicant in which the person responsible for such false or misleading statement or misrepresentation, concealment, or withholding of facts is financially interested, except under the conditions set forth in paragraph (b) of this section. (June 10, 1930, sec. 4, 46 Stat. 533; Apr. 13, 1934, secs. 4, 5, 6, 7, 48 Stat. 585, 586; 7 U. S. C., sec. 499d.)

#### LIABILITY TO PERSON DAMAGED

**577. Amount of damages.**—(a) If any commission merchant, dealer, or broker violates any provision of paragraph (1), (2), (3), or (4) of section 2 [7 U. S. C., sec. 499b] he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

(b) Such liability may be enforced either (1) by complaint to the Secretary as hereinafter provided, or (2) by suit in any court of competent jurisdiction; but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, and the provisions of this Act are in addition to such remedies. (June 10, 1930, sec. 5, 46 Stat. 534; 7 U. S. C., sec. 499e.)

#### COMPLAINT AND INVESTIGATION

**578. (a) Petition to Secretary of Agriculture; time of making; contents; services; answer.**—Any person complaining of any violation of any provision of section 2 [7 U. S. C., sec. 499b] by any commission merchant, dealer, or broker may, at any time within nine months after the cause of action accrues, apply to the Secretary by petition, which shall briefly state the facts, whereupon, if, in the opinion of the Secretary, the facts therein contained warrant such action, a copy of the complaint thus made shall be forwarded by the Secretary to the commission merchant, dealer, or broker, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be prescribed by the Secretary.

(b) **Complaint to Secretary requesting investigation; by whom made.**—Any officer or agency of any State or Territory having jurisdiction over commission merchants, dealers, or brokers in such State or Territory and any employee of the United States Department of Agriculture or any interested person, may file, in accordance with rules and regulations of the Secretary a complaint of any violation of any provision of section 2 [7 U. S. C., sec. 499b] by any commission merchant, dealer, or broker, and may request an investigation of such complaint by the Secretary.

(c) **Same; action thereon; claims not exceeding \$500.**—If there appear to be, in the opinion of the Secretary, any reasonable grounds for investigating any complaint made under this section, the Secretary shall investigate such complaint and may, if in his opinion the facts warrant such action, have said complaint served by registered mail or otherwise on the person concerned and afford such person an

opportunity for a hearing thereon before a duly authorized examiner of the Secretary in any place in which the said person is engaged in business: *Provided*, That in complaints wherein the amount claimed as damages does not exceed the sum of \$500 a hearing need not be held and proof in support of the complaint and in support of respondent's answer may be supplied in the form of depositions or verified statements of fact.

(d) **Hearing and determination.**—After opportunity for hearing on complaints where the damages claimed exceed the sum of \$500 has been provided or waived and on complaints where damages claimed do not exceed the sum of \$500 not requiring hearing as provided herein, the Secretary shall determine whether or not the commission merchant, dealer, or broker has violated any provision of section 2 [7 U. S. C., sec. 499b];

(e) **Nonresident, bond required.**—In case a complaint is made by a nonresident of the United States, the complainant shall be required, before any formal action is taken on his complaint, to furnish a bond in double the amount of the claim conditioned upon the payment of costs, including a reasonable attorney's fee for the respondent if the respondent shall prevail; (June 10, 1930, sec. 6, 46 Stat. 534; Apr. 13, 1934, secs. 8, 9, 10, 48 Stat. 586, 587; 7 U. S. C., sec. 499f).

#### REPARATION ORDER

**579. (a) Determination by Secretary of Agriculture of amount of damages; order for payment.**—If after a hearing on a complaint made by any person under section 6 [7 U. S. C., sec. 499f], the Secretary determines that the commission merchant, dealer, or broker has violated any provision of paragraph (1), (2), (3), or (4) of section 2 [7 U. S. C., sec. 499b], he shall, unless the offender has already made reparation to the person complaining, determine the amount of damage; if any, to which such person is entitled as a result of such violation and shall make an order directing the offender to pay to such person complaining such amount on or before the date fixed in the order.

**(b) Suit in court by complaint; order prima facie evidence.**—If any commission merchant, dealer, or broker does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may within one year of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the commission merchant, dealer, or broker, or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States. Such suit in the district court shall proceed in all respects like other civil suits for damages except that the findings and orders of the Secretary shall be prima-facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court nor for costs at any subsequent state of the proceedings unless they accrue upon his appeal. If the petitioner

finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit;

(c) **Appeal to court by either party; trial de novo; order prima facie evidence; costs; attorney's fee.**—Either party adversely affected by the entry of a reparation order by the Secretary may, within thirty days from and after the date of such order, appeal therefrom to the district court of the United States for the district in which said hearing was held. Such appeal shall be perfected by the filing of a notice thereof together with a petition in duplicate which shall recite prior proceedings before the Secretary, and shall state the grounds upon which petitioner relies to defeat the right of the adverse party to recover the damages claimed, with the clerk of said court with proof of service thereof upon the adverse party. The clerk of court shall immediately forward a copy thereof to the Secretary of Agriculture, who shall forthwith prepare, certify, and file in said court a true copy of the Secretary's decision, findings of fact, conclusions, and order in said case, together with copies of the pleadings upon which the case was heard and submitted to the Secretary. Such suit in the district court shall be a trial de novo and shall proceed in all respects like other civil suits for damages, except that the findings of fact and order or orders of the Secretary shall be prima facie evidence of the facts therein stated. Appellee shall not be liable for costs in said court and if appellee prevails he shall be allowed a reasonable attorney's fee to be taxed and collected as a part of his costs. Such petition and pleadings certified by the Secretary upon which decision was made by him shall upon filing in the district court constitute the pleadings upon which said trial de novo shall proceed subject to any amendment allowed in that court;

(d) **Automatic suspension of license for failure to pay award or appeal to court.**—Unless the licensee against whom a reparation order has been issued shows to the satisfaction of the Secretary within five days from the expiration of the period allowed for compliance with such order that he has either taken an appeal as herein authorized or has made payment in full as required by such order his license shall be suspended automatically at the expiration of such five-day period until he shows to the satisfaction of the Secretary that he has paid the amount therein specified with interest thereon to date of payment. (June 10, 1930, sec. 7, 46 Stat. 534; Apr. 13, 1934, secs. 11, 12, 13, 48 Stat. 587-588; 7 U. S. C., sec. 499g.)

#### SUSPENSION AND REVOCATION OF LICENSE

**580. (a) Grounds.**—Whenever the Secretary determines, as provided in section 6 [7 U. S. C., sec. 499f], that any commission merchant, dealer, or broker has violated any of the provisions of section 2 [7 U. S. C., sec. 499b], he may publish the facts and circumstances of such violation and/or, by order, suspend the license of such offender for a period not to exceed ninety days, except that, if the violation is a flagrant or repeated violation of such provisions, the Secretary may, by order, revoke the license of the offender.

**(b) Injunction; operating without license.**—In addition to being subject to the penalties provided by section 3 (a) of this Act [7 U. S. C., sec. 499c(a)], any commission merchant, dealer, or broker, who en-

gages in or operates such business without an unsuspended and unrevoked license from the Secretary, shall be liable to be proceeded against in any court of competent jurisdiction in a suit by the United States for an injunction to restrain such defendant from further continuing so to engage in or operate such business, and, if the court shall find that the defendant is continuing to engage in such business without an unsuspended and unrevoked license, the court shall issue an injunction to restrain such defendant from continuing to engage in or to operate such business without such license. (June 10, 1930, sec. 8, 46 Stat. 535; Apr. 13, 1934, sec. 14, 48 Stat. 588; 7 U. S. C., sec. 499h.)

#### ACCOUNTS AND RECORDS

**581. Duty of licensee.**—Every commission merchant, dealer, and broker shall keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. If such accounts, records, and memoranda are not so kept, the Secretary may publish the facts and circumstances and/or, by order, suspend the license of the offender for a period not to exceed ninety days. (June 10, 1930, sec. 9; 46 Stat. 535; 7 U. S. C., sec. 499i.)

#### EFFECTIVE DATE AND FINALITY OF ORDER

**582. Order; when in effect; continuance in force; suspension, modification, etc.; penalty.**—Any order of the Secretary under this Act other than an order for the payment of money shall take effect within such reasonable time, not less than ten days, as is prescribed in the order, and shall continue in force until his further order, or for a specified period of time, accordingly as it is prescribed in the order, unless such order is suspended, modified, or set aside by the Secretary or is suspended, modified, or set aside by a court of competent jurisdiction. Any such order of the Secretary, if regularly made, shall be final, unless before the date prescribed for its taking effect application is made to a court of competent jurisdiction by the commission merchant, dealer, or broker against whom such order is directed to have such order set aside or its enforcement, operation, or execution suspended or restrained. (June 10, 1930, sec. 10, 46 Stat. 535; 7 U. S. C., sec. 499j.)

**583. Injunctions.**—For the purposes of this Act the provisions of all laws relating to the suspending or restraining of the enforcement, operation, or execution, or the setting aside in whole or in part, of the orders of the Interstate Commerce Commission are made applicable to orders of the Secretary under this Act and to any person subject to the provisions of this Act. (June 10, 1930, sec. 11, 46 Stat. 535; U. S. C., sec. 499k.)

#### GENERAL PROVISIONS

**584. Violation of provisions of act; report to Attorney General; proceeding in Federal courts.**—The Secretary may report any violation of this Act for which a civil penalty is provided to the Attorney General of the United States, who shall cause appropriate proceedings to be commenced and prosecuted in the proper courts of the

United States without delay. The costs and expenses of such proceedings shall be paid out of the appropriation for the expenses of the courts of the United States. (June 10, 1930, sec. 12, 46 Stat. 536; 7 U. S. C., sec. 499l.)

**585. (a) Investigations; book inspection; suspension of license for refusing inspection.**—In the investigation of complaints under this Act, the Secretary or his duly authorized agents shall have the right to inspect such accounts, records, and memoranda of any commission merchant, dealer, or broker as may be material for the determination of any such complaint. If any such commission merchant, dealer, or broker refuses to permit such inspection, the Secretary may publish the facts and circumstances and/or, by order, suspend the license of the offender until permission to make such inspection is given.

**(b) Hearings.**—The Secretary, or any officer or employee designated by him for such purpose, may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, receive evidence, and require by subpoena the attendance and testimony of witnesses and the production of such accounts, records, and memoranda as may be material for the determination of any complaint under this Act.

**(c) Disobedience to subpœna.**—In case of disobedience to a subpœna, the Secretary or any of his examiners may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of accounts, records, and memoranda. Any district court of the United States within the jurisdiction of which any hearing is carried on may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring the person to appear before the Secretary or his examiner or to produce accounts, records, and memoranda if so ordered, or to give evidence touching any matter pertinent to any complaint; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

**(d) Depositions; production of accounts, etc.**—The Secretary may order testimony to be taken by deposition in any proceeding or investigation or incident to any complaint pending under this Act at any stage thereof. Such depositions may be taken before any person designated by the Secretary and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition or under his direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce accounts, records, and memoranda in the same manner as witnesses may be compelled to appear and testify and produce accounts, records, and memoranda before the Secretary or any of his examiners.

**(e) Witness fees; mileage.**—Witnesses summoned before the Secretary or any officer or employee designated by him shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

**(f) Incriminatory testimony; immunity.**—No person shall be excused from attending, testifying, answering any lawful inquiry,

or depositing, or from producing any documentary evidence, before the Secretary or any officer or employee designated by him, in obedience to the subpoena of the Secretary or any such officer or employee, in any cause or proceeding, based upon or growing out of any alleged violation of this Act, or upon the taking of any deposition herein provided for, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing, concerning which he is compelled under oath so to testify, or produce evidence, documentary or otherwise, before the Secretary or any officer or employee designated by him, in obedience to the subpoena of the Secretary, or any such officer or employee, or upon the taking of any such deposition, or in any such cause or proceeding: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. (June 10, 1930, sec. 13, 46 Stat. 536; 7 U. S. C., sec. 499m.)

**586. Inspection and grading service.**—The Secretary is hereby authorized, independently and in cooperation with other branches of the Government, State, or municipal agencies, and/or any person, whether operating in one or more jurisdictions, to employ and/or license inspectors to inspect and certify, without regard to the filing of a complaint under this Act, to any interested person the class, quality, and/or condition of any lot of any perishable agricultural commodity when offered for interstate or foreign shipment or when received at places where the Secretary shall find it practicable to provide such service, under such rules and regulations as he may prescribe, including the payment of such fees and expenses as will be reasonable and as nearly as may be cover the cost for the service rendered: *Provided*, That fees for inspections made by a licensed inspector, less the percentage thereof which he is allowed by the terms of his contract of employment with the Secretary as compensation for his services, shall be deposited into the Treasury of the United States as miscellaneous receipts; and fees for inspections made by an inspector acting under a cooperative agreement with a State, municipality, or other person shall be disposed of in accordance with the terms of such agreement: *Provided further*, That expenses for travel and subsistence incurred by inspectors shall be paid by the applicant for inspection to the disbursing clerk of the United States Department of Agriculture to be credited to the appropriation for carrying out the purposes of this Act: *And provided further*, That certificates issued by such inspectors shall be received in all courts of the United States and in all proceedings under this Act as *prima-facie* evidence of the truth of the statements therein contained. (June 10, 1930, sec. 14, 46 Stat. 537; Apr. 13, 1934, sec. 15, 48 Stat. 588; 7 U. S. C., sec. 499n.)

**587. Rules, regulations, and orders by Secretary of Agriculture; appointment, removal, and compensation of officers and employees; expenditures; appropriations; abrogation of inconsistent statutes.**—The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this Act, and may cooperate with

any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses, including reporting services, as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purpose. This Act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this Act; but it is intended that all such statutes shall remain in full force and effect except insofar only as they are inconsistent herewith or repugnant hereto. (June 10, 1930, sec. 15, 46 Stat. 537; 7 U. S. C., sec. 499o.)

**588. Liability of licensees for acts of agents.**—In construing and enforcing the provisions of this Act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any commission merchant, dealer, or broker, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of such commission merchant-dealer, or broker as that of such agent, officer, or other person. (June 10, 1930, sec. 16, 46 Stat. 538; 7 U. S. C., sec. 499p.)

**589. Separability.**—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (June 10, 1930, sec. 17, 46 Stat. 538; 7 U. S. C., sec. 499q.)

**590. Short title.**—This Act may be cited as the "Perishable Agricultural Commodities Act, 1930." (June 10, 1930, sec. 18, 46 Stat. 538; 7 U. S. C., sec. 499r.)

#### TOBACCO STATISTICS

**591. Tobacco statistics; collection and publication; facts required.**—That the Secretary of Agriculture be, and he is hereby, authorized and directed to collect and publish statistics of the quantity of leaf tobacco in all forms in the United States and Puerto Rico, owned by or in the possession of dealers, manufacturers, quasi-manufacturers, growers' cooperative associations, warehousemen, brokers, holders, or owners, other than the original growers of tobacco. The statistics shall show the quantity of tobacco in such detail as to types, groups of grades, and such other subdivisions as to quality, color, and/or grade for particular types, as the Secretary of Agriculture shall deem to be practical and necessary for the purposes of this Act, shall be summarized as of January 1, April 1, July 1, and October 1 of each year, and an annual report on tobacco statistics shall be issued: *Provided*, That the Secretary of Agriculture shall not be required to collect statistics of leaf tobacco from any manufacturer of tobacco who, in the first three quarters of the preceding calendar year, according to the returns of the Commissioner of Internal Revenue

or the record of the Treasurer of Puerto Rico, manufactured less than thirty-five thousand pounds of tobacco, or from any manufacturer of cigars who, during the first three quarters of the preceding calendar year, manufactured less than one hundred and eighty-five thousand cigars, or from any manufacturer of cigarettes who, during the first three quarters of the preceding year, manufactured less than seven hundred and fifty thousand cigarettes: *And provided further*, That the Secretary of Agriculture may omit the collection of statistics from any dealer, manufacturer, growers' cooperative association, warehouseman, broker, holder, or owner who does not own and/or have in stock, in the aggregate, fifty thousand pounds or more of leaf tobacco on the date as of which the reports are made. For the purposes of this Act, any tobacco which has deteriorated on account of age or other causes to the extent that it is not merchantable or is unsuitable for use in manufacturing tobacco products shall be classified with other nondescript tobacco and reported in the "N" group of the type to which it belongs. (Jan. 14, 1929, sec. 1, 45 Stat. 1079; July 14, 1932, sec. 1, 47 Stat. 662; Aug. 27, 1935, sec. 1, Public, 356, 74th Cong.; 7 U. S. C., sec. 501.)

**592. Standards for classification; returns and blanks.**—The Secretary of Agriculture shall establish standards for the classification of leaf tobacco, and he is authorized to demonstrate such standards, to prepare and distribute samples thereof, and to make reasonable charges therefor. He shall specify the types, group of grades, qualities, colors, and/or grades, which shall be included in the returns required by this Act. The Secretary of Agriculture shall prepare appropriate blanks upon which the returns shall be made, shall, upon request, furnish copies to persons who are required by this Act to make returns, and such returns shall show the types, groups of grades, qualities, colors, and/or grades and such other information as the Secretary may require. (Jan. 14, 1929, sec. 2, 45 Stat. 1079; Aug. 27, 1935, sec. 2, Public, 356, 74th Cong.; 7 U. S. C., sec. 502.)

**593. Reports; necessity; by whom made; penalties.**—It shall be the duty of every dealer, manufacturer, quasi-manufacturer, growers' cooperative association, warehouseman, broker, holder, or owner, other than the original grower, except such persons as are excluded by the proviso to section 1 of this Act [7 U. S. C., sec. 501], to furnish within fifteen days after January 1, April 1, July 1, and October 1 of each year, completely and correctly, to the best of his knowledge, a report of the quantity of leaf tobacco on hand, segregated in accordance with the blanks furnished by the Secretary of Agriculture. Any person, firm, association, or corporation required by this Act to furnish a report, and any officer, agent, or employee thereof who shall refuse or willfully neglect to furnish any of the information required by this Act, or shall willfully give answers that are false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$300 or more than \$1,000, or imprisoned not more than one year, or both. (Jan. 14, 1929, sec. 3, 45 Stat. 1080; July 14, 1932, sec. 2, 47 Stat. 663; 7 U. S. C., sec. 503.)

**594. Definition of person.**—The word "person" as used in this Act shall be held to embrace also any partnership, corporation, associa-

tion, or other legal entity. (Jan. 14, 1929, sec. 4, 45 Stat. 1080; 7 U. S. C., sec. 504.)

**595. Access to internal revenue records.**—The Secretary of Agriculture shall have access to the tobacco records of the Commissioner of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining lists of the persons subject to this Act and for the purpose of aiding the collection of the information herein required, and the Commissioner of Internal Revenue and the several collectors of internal revenue shall cooperate with the Secretary of Agriculture in effectuating the provisions of this Act. (Jan. 14, 1929, sec. 5, 45 Stat. 1080; Aug. 27, 1935, sec. 3, Public 356, 74th Cong.; 7 U. S. C., sec. 505.)

**596. Returns under oath, administration.**—The returns herein provided for shall be made under oath before a collector or deputy collector of internal revenue, a postmaster, assistant postmaster, or anyone authorized to administer oaths by State or Federal law. (Jan. 14, 1929, sec. 6, 45 Stat. 1080; 7 U. S. C., sec. 506.)

**597. Limitation on use of statistical information.**—That the information furnished under the provisions of this Act shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Secretary of Agriculture whereby the data furnished by any particular establishment can be identified, nor shall the Secretary of Agriculture permit anyone other than the sworn employees of the Department of Agriculture to examine the individual reports. (Jan. 14, 1929, sec. 7, 45 Stat. 1080; 7 U. S. C., sec. 507.)

**598. Partial invalidity of act.**—If any provision of this Act, or the application of such provision to any person or circumstances, is held invalid, the remainder of the Act and the application of such provisions to persons or circumstances other than those as to which it is held invalid shall not be affected thereby. (Jan. 14, 1929, sec. 9, 45 Stat. 1080; Aug. 27, 1935, sec. 4, Public 356, 74th Cong.; 7 U. S. C., sec. 508.)

#### TOBACCO INSPECTION ACT

**599. Definitions.**—That when used in this Act—

(a) "Person" includes partnerships, associations, and corporations, as well as individuals.

(b) "Secretary" means the Secretary of Agriculture of the United States.

(c) "Inspector" means any person employed, licensed, or authorized by the Secretary to determine and certify the type, grade, condition, or other characteristics of tobacco.

(d) "Sampler" means any person employed, licensed, or authorized by the Secretary to select, tag, and seal official samples of tobacco.

(e) "Weigher" means any person employed, licensed, or authorized by the Secretary to weigh and certify the weight of tobacco.

(f) "Tobacco" means tobacco in its unmanufactured form.

(g) "Auction market" means a market or place to which tobacco is delivered by the producers thereof, or their agents, for sale at auction through a warehouseman or commission merchant.

(h) Words in the singular form shall be deemed to import the plural form when necessary.

(i) "Commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia. For the purposes of this Act (but not in any wise limiting the foregoing definition) a transaction in respect to tobacco shall be considered to be in commerce if such tobacco is part of that current of commerce usual in the tobacco industry whereby tobacco or products manufactured therefrom are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Tobacco normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nations. (Aug. 23, 1935, sec. 1, Public, 314, 74th Cong.)

600. **Necessity for legislation.**—That transactions in tobacco involving the sale thereof at auction as commonly conducted at auction markets are affected with a public interest; that such transactions are carried on by tobacco producers generally and by persons engaged in the business of buying and selling tobacco in commerce; that the classification of tobacco according to type, grade, and other characteristics affects the prices received therefor by producers; that without uniform standards of classification and inspection the evaluation of tobacco is susceptible to speculation, manipulation, and control, and unreasonable fluctuations in prices and quality determinations occur which are detrimental to producers and persons handling tobacco in commerce; that such fluctuations constitute a burden upon commerce and make the use of uniform standards of classification and inspection imperative for the protection of producers and others engaged in commerce and the public interest therein. (Aug. 23, 1935, sec. 2, Public 314, 74th Cong.)

601. **Secretary of Agriculture authorized to investigate sorting, etc., of tobacco, and to establish standards.**—That the Secretary is authorized to investigate the sorting, handling, conditioning, inspection, and marketing of tobacco from time to time, and to establish standards for tobacco by which its type, grade, size, condition, or other characteristics may be determined, which standards shall be the official standards of the United States, and shall become effective immediately or upon a date specified by the Secretary: *Provided*, That the Secretary may issue tentative standards for tobacco prior to the establishment of official standards therefor, and he may modify any standards established under authority of this Act whenever, in his judgment, such action is advisable. (Aug. 23, 1935, sec. 3, Public 314, 74th Cong.)

602. **Demonstration and distribution of standards.**—That the Secretary is authorized to demonstrate the official standards; to prepare

and distribute, upon request, samples, illustrations, or sets thereof; and to make reasonable charges therefor: *Provided*, That in no event shall charges be in excess of the cost of said samples, illustrations, and services so rendered. (Aug. 23, 1935, sec. 4, Public 314, 74th Cong.)

**603. Designation of auction markets after referendum; access of Secretary of Agriculture to tobacco records of collector of internal revenue to determine growers entitled to vote in referendum; suspension by Secretary of requirements of inspection and certification.**—That the Secretary is authorized to designate those auction markets where tobacco bought and sold thereon at auction, or the products customarily manufactured therefrom, moves in commerce. Before any market is designated by the Secretary under this section he shall determine by referendum the desire of tobacco growers who sold tobacco at auction on such market during the preceding marketing season. The Secretary may at his discretion hold one referendum for two or more markets or for all markets in a type area. No market or group of markets shall be designated by the Secretary unless two-thirds of the growers voting favor it. The Secretary shall have access to the tobacco records of the Collector of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining the names and addresses of growers who sold tobacco on any auction market, and the Secretary shall determine from said records the eligibility of such grower to vote in such referendum, and no grower shall be eligible to vote in more than one referendum. After public notice of not less than thirty days that any auction market has been so designated by the Secretary, no tobacco shall be offered for sale at auction on such market until it shall have been inspected and certified by an authorized representative of the Secretary according to the standards established under this Act, except that the Secretary may temporarily suspend the requirement of inspection and certification at any designated market whenever he finds it impracticable to provide for such inspection and certification because competent inspectors are not obtainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service: *Provided*, That, in the event competent inspectors are not available, or for other reasons, the Secretary is unable to provide for such inspection and certification at all auction markets within a type area, he shall first designate those auction markets where the greatest number of growers may be served with the facilities available to him. No fee or charge shall be imposed or collected for inspection or certification under this section at any designated auction market. Nothing contained in this Act shall be construed to prevent transactions in tobacco at markets not designated by the Secretary or at designated markets where the Secretary has suspended the requirement of inspection or to authorize the Secretary to close any market. (Aug. 23, 1935, sec. 5, Public 314, 74th Cong.)

**604. Secretary of Agriculture to license samplers and weighers; certificates, fees, or charges.**—That the Secretary, independently or in co-operation with other branches of the Government, State agencies, or persons, whether operating in one or more jurisdictions, is authorized to employ and/or license competent persons as samplers to take official samples of tobacco, or as weighers to weigh and certify the

weight of tobacco, or as inspectors of tobacco to determine and certify, upon the request of the owner or other financially interested person, the type, grade, weight, condition, and/or such other facts as the Secretary may deem necessary.

The Secretary is authorized to fix and collect such fees or charges in the administration of this section as he may deem reasonable, and the moneys collected, except as provided in this section, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts. Fees or charges collected under an agreement with a State, municipality, or person, or by an individual licensed to inspect or weigh or sample tobacco under this Act, may be disposed of in accordance with the terms of such agreement or license. Charges for expenses for travel and subsistence incurred by inspectors or weighers or samplers employed by the Secretary when required to be paid by the applicant for service, may be credited to the appropriation, or any other funds authorized in this Act from which they were paid.

This section is intended merely to provide for the furnishing of services upon request of the owner or other person financially interested in tobacco to be sampled, inspected, or weighed and shall not be construed otherwise. (Aug. 23, 1935, sec. 6, Public, 314, 74th Cong.)

**605. Inspection of tobacco on appeal; inspection certificates.**—That the Secretary shall provide for such reinspection or appeal inspection of tobacco as he may deem necessary for the confirmation or reversal of certificates issued under this Act. Each inspection certificate issued under this Act, unless invalidated or superseded in accordance with the regulations of the Secretary, shall be received in all courts and by all officers and employees of the United States as *prima facie* evidence of the truth of the statements therein contained. (Aug. 23, 1935, sec. 7, Public, 314, 74th Cong.)

**606. Warehouse tickets, space on, to show grade of tobacco; regulations by Secretary of Agriculture.**—That warehousemen shall provide space on warehouse tickets or other tags or labels used by them for showing the grade of the lot covered thereby as determined by an authorized tobacco inspector under this Act. The Secretary may prescribe, by regulation, the form in which such certification of grade shall be shown, and may require that a copy of such warehouse ticket, tag, or label shall be furnished to the Secretary. (Aug. 23, 1935, sec. 8, Public, 314, 74th Cong.)

**607. Secretary of Agriculture authorized to collect, publish, and distribute information on supply and demand, location, etc., for tobacco.**—That the Secretary is authorized to collect, publish, and distribute, by telegraph, mail, or otherwise without cost to the grower, timely information on the market supply and demand, location, disposition, quality, condition, and market prices for tobacco. (Aug. 23, 1935, sec. 9, Public, 314, 74th Cong.)

**608. Acts made unlawful.**—It shall be unlawful—

(a) For any person to use the words "United States", "Government", or "Federal", or any abbreviation thereof, in, or in connection with, any statement relating to the grade of tobacco when such grade is not, in fact, one of the grades for tobacco according to the standards of the United States.

(b) For any person falsely to make, issue, alter, forge, or counterfeit, or aid, cause, procure, or assist in or be a party to the false making, issuing, altering, forging, or counterfeiting of any certificate, stamp, tag, seal, label, or other writing purporting to be issued or authorized under this Act.

(c) For any person, not an authorized inspector under this Act, to issue a certificate or report stating the type, grade, size, or condition of any lot of tobacco to be in accordance with the standards of the United States therefor which is of such color, size, arrangement, or wording as to be mistaken for a certificate issued under this Act, unless such certificate states in prominent letters in its heading that it is not issued under authority of the United States.

(d) For any person employed, designated, or licensed by the Secretary as an inspector, sampler, or weigher of tobacco under this Act knowingly to inspect, sample, or weigh improperly, or to issue any false certificate under this Act, or to accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty as an inspector, sampler or weigher.

(e) For any person improperly to influence or to attempt improperly to influence or forcibly to assault, resist, impede, or interfere with any inspector, sampler, weigher, or other person employed, designated, or licensed by the Secretary in the execution of his duties under this Act: *Provided*, however, That nothing herein shall operate to prevent the owner of tobacco from appealing or protesting, in accordance with regulations of the Secretary, the grade certified for his tobacco.

(f) For any person falsely to represent or otherwise indicate that he is authorized by the Secretary to inspect, sample, or weigh tobacco under this Act.

(g) For any person to substitute, or attempt to substitute, following inspection or sampling or weighing under this Act, other tobacco for tobacco actually inspected or sampled or weighed, or in the case of tobacco inspected in auction warehouses for any person not so authorized by the Secretary to remove any certificate of grade from any lot of tobacco prior to the sale of such lot.

(h) For any person falsely to represent that tobacco has been inspected, sampled, or weighed under this Act; or knowingly to have made any false representation concerning tobacco inspected under this Act; or knowing that tobacco is to be offered for inspection or sampling under this Act to load, pack, or arrange such tobacco in such manner as knowingly to conceal foreign matter or tobacco of inferior grade, quality, or condition; or for any person knowing that tobacco has been so loaded, packed, or arranged, to offer it for inspection or sampling without disclosing such knowledge to the inspector or sampler before inspection or sampling.

(i) For any person willfully to alter an official sample of tobacco by removing or plucking leaves or otherwise, or for any person knowing that an official sample of tobacco has been so altered, thereafter to represent such sample as an official sample. (Aug. 23, 1935, sec. 10, Public 314, 74th Cong.)

**609. Secretary of Agriculture authorized to publish facts regarding violation of act.**—The Secretary is authorized to publish the facts regarding any violation of this Act. (Aug. 23, 1935, sec. 11; Public 314, 74th Cong.)

**610. Violation of sections 5 and 10 a misdemeanor.**—That any person violating any provision of sections 5 and 10 of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000, or imprisoned not more than one year, or both. (Aug. 23, 1935, sec. 12; Public 314, 74th Cong.)

**611. Act of agent deemed that of corporation as well as of agent.**—In construing and enforcing the provisions of this Act; the act, omission, or failure of any agent, officer, or other person acting for or employed by an association, partnership, corporation, or firm, within the scope of his employment or office, shall be deemed to be the act, omission, or failure of the association, partnership, corporation, or firm, as well as that of the person. (Aug. 23, 1935, sec. 13; Public 314, 74th Cong.)

**612. Secretary of Agriculture authorized to make rules and regulations and hold hearings to effectuate purposes of act; cooperation with State, etc., agencies; appointment of officers, etc.; expenditures.**—That the Secretary is authorized to make such rules and regulations and hold such hearings as he may deem necessary to effectuate the purposes of this Act and may cooperate with any other Department or agency of the Government; any State, territory, district, or possession, or department, agency, or political subdivision thereof; purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations; or any person, whether operating in one or more jurisdictions in carrying on the work herein authorized; and he shall have the power to appoint, suspend, remove, and fix the compensation of all officers, employees, and licensees not in conflict with existing law, except that inspectors and supervisors employed hereunder on a seasonal basis and working for periods of six months or less during any twelve month period may be appointed without reference to the provisions of the Classification Act of 1923, as amended. The Secretary is authorized to make such expenditures for rent outside of the District of Columbia, printing, binding, telegrams, telephones, books of reference, publications, furniture, stationery, office and laboratory equipment, travel, tobacco for use in preparing and demonstrating standards, and other supplies and expenses, including reporting services, as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for administering this Act. (Aug. 23, 1935, sec. 14, Public, 314, 74th Cong.)

**613. Power to hold hearings, etc.**—That in carrying on the work herein authorized, the Secretary, or any officer or employee designated by him for such purpose, shall have the power to hold hearings, administer oaths, sign and issue subpoenas, examine witnesses, and require the production of books, records, accounts, memoranda, and papers. Upon refusal by any person to appear, testify, or produce books, records, accounts, memoranda, and papers in response to a subpoena, the proper United States district court shall have power to compel obedience thereto. (Aug. 23, 1935, sec. 15, Public, 314, 74th Cong.)

**614. Effect of partial invalidity.**—That if any provision of this Act or the application thereof to any person or circumstance is held

invalid, the validity of the remainder of the Act and of the applications of such provision to other persons and circumstances shall not be affected thereby. (Aug. 23, 1935, sec. 16, Public 314, 74th Cong.)

**615. Delegation of authority.**—That any duties devolving upon the Secretary of Agriculture by virtue of the provisions of this Act may with like force and effect be executed by such officer or officers, agent or agents, of the Department of Agriculture as the Secretary may designate for the purpose. (Aug. 23, 1935, sec. 17, Public 314, 74th Cong.)

**616. Title of act.**—That this Act may be cited as "The Tobacco Inspection Act." (Aug. 23, 1935, sec. 18, Public 314, 74th Cong.)

#### FOREIGN AGRICULTURAL SERVICE

**617. Acquisition of information regarding world competition in agricultural products; investigation of foreign methods affecting production, marketing, and distribution.**—That for the purpose of encouraging and promoting the agriculture of the United States and assisting American farmers to adjust their operations and practices to meet world conditions, the Secretary of Agriculture shall—

(a) Acquire information regarding world competition and demand for agricultural products and the production, marketing, and distributing of said products in foreign countries and disseminate the same through agricultural extension agencies and by such other means as may be deemed advisable.

(b) Investigate abroad farm management and any other economic phases of the agricultural industry and, insofar as is necessary to carry out the purposes of this Act, conduct abroad any activities, including the demonstration of standards for cotton, wheat, and other American agricultural products, in which the Department of Agriculture is now authorized or in the future may be authorized to engage. Nothing contained herein shall be construed as prohibiting the Department of Agriculture from conducting abroad any activity for which authority for thus conducting it may exist. (June 5, 1930, sec. 1, 46 Stat. 497; 7 U. S. C., sec. 541.)

**618. Foreign Agricultural Service; relation to diplomatic mission or consulate.**—(a) The present representatives of the Bureau of Agricultural Economics of the Department of Agriculture now stationed abroad shall be officers of the Foreign Agricultural Service of the United States, and the Secretary of Agriculture may appoint other officers in said service from time to time in accordance with civil-service procedure. All such officers shall constitute the Foreign Agricultural Service of the United States, and shall be known as agricultural attachés, assistant agricultural attachés, or by such other titles as may be deemed appropriate by the Secretary of Agriculture. Any officer in said service, when designated by the Secretary of Agriculture, shall, through the Department of State, be regularly and officially attached to the diplomatic mission of the United States in the country in which he is to be stationed, or to the consulate of the United States, as the Secretary of Agriculture shall designate. If any such officer is to be stationed in a country where there is no diplomatic mission or consulate of the United States, appropriate recognition and standing, with full facilities for discharging his

official duties, shall be arranged by the Department of State. The Secretary of State may reject the name of any such officer if, in his judgment, the attachment of such officer to the diplomatic mission or consulate at the post designated would be prejudicial to the public policy of the United States.

(b) The Secretary of Agriculture shall appoint the officers of the Foreign Agricultural Service to such grades as he may establish, with salaries in those grades comparable to those paid other officers of the Government for analogous foreign service.

(c) The Secretary of Agriculture is authorized to promote or demote in grade or class, to increase or decrease within the salary range fixed for the class of compensation of, and to separate from the service, officers of the Foreign Agricultural Service, but in so doing the Secretary shall take into consideration records of efficiency.

(d) No officer of the Foreign Agricultural Service shall be considered as having the character of a public minister.

(e) Any officer of the Foreign Agricultural Service may be assigned for duty in the United States for a period of not more than three years without change in grade, class, or salary, or with such change as the Secretary of Agriculture may direct.

(f) The Secretary of Agriculture is authorized to pay the expenses of transportation and subsistence of officers in the Foreign Agricultural Service of the United States and their immediate families in going to and returning from their posts under orders from the Secretary of Agriculture. The Secretary of Agriculture is further authorized, whenever he deems it in the public interest, to order to the United States on his official leave of absence any Foreign Agricultural Service officer who has performed three years or more of continuous service abroad: *Provided*, That the expenses of transportation and subsistence of such officers and their immediate families in traveling to their homes in the United States and return shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under orders of the Secretary of Agriculture when not on leave: *Provided further*, That while in the United States the services of such officers shall be available for such duties in the Department of Agriculture and elsewhere in the United States as the Secretary of Agriculture may prescribe. Any officer in the Foreign Agricultural Service, in the discretion of the Secretary of Agriculture, may be given leave of absence with pay for not to exceed thirty days for any one year, which may be taken in the United States or elsewhere, accumulative for three years, under such rules and regulations as the Secretary of Agriculture shall prescribe. (June 5, 1930, sec. 2, 46 Stat. 498; 7 U. S. C., sec. 542.)

**619. Clerks and assistants to officers.**—(a) Subject to the requirements of the civil-service laws, and the rules and regulations promulgated thereunder, the Secretary of Agriculture is authorized to appoint, fix the compensation of, promote, demote, and separate from the service such clerks and other assistants for officers of the Foreign Agricultural Service as he may deem necessary.

(b) When authorized by the Secretary of Agriculture, officers of the Foreign Agricultural Service may employ American citizens in a foreign country from time to time, fix the compensation of, and

separate from the service such clerical and other assistants as may be necessary. (June 5, 1930, sec. 3, 46 Stat. 499; 7 U. S. C., sec. 543.)

**620. Employees on duty outside United States; expenses.**—(a) Any officer, assistant, clerk, or employee of the Department of Agriculture, while on duty outside of the continental limits of the United States and away from the post to which he is assigned, shall be entitled to receive his necessary traveling expenses and his actual expenses for subsistence, or a per diem in lieu of subsistence, equal to that paid to other officers of the Government when engaged in analogous foreign service.

(b) The Secretary of Agriculture may authorize any officer of the Foreign Agricultural Service to fix, in an amount not exceeding the allowance fixed for such officer, an allowance for actual subsistence, or a per diem allowance in lieu thereof, for any clerical or other assistant employed by such officer under subdivision (b) of section 3 [7 U. S. C., sec. 543] when such clerical or other assistant is engaged in travel outside the continental limits of the United States and away from the post to which he is assigned.

(c) Any officer, assistant, clerk, or employee of the Foreign Agricultural Service, while on duty within the continental limits of the United States, shall be entitled to receive the traveling expenses and actual expenses incurred for subsistence, or per diem allowance in lieu thereof, authorized by law. (June 5, 1930, sec. 4, 46 Stat. 499; 7 U. S. C., sec. 544.)

**621. Authority of Secretary of Agriculture.**—The Secretary of Agriculture may make such rules and regulations as may be necessary to carry out the provisions of this Act and may cooperate with any department or agency of the Government, State, Territory, District, or possession, or department, agency, or political subdivision thereof, cooperative and other farm organizations, or any person, and shall have power to make such expenditures for rent outside the District of Columbia, for printing, telegrams, telephones, law books, books of reference, maps, publications, furniture, stationery, office equipment, travel and subsistence allowances, and other supplies and expenses as shall be necessary to the administration of the Act in the District of Columbia and elsewhere. With the approval of the Secretary of Agriculture an officer of the Foreign Agricultural Service may enter into leases for office quarters, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of his office and the discharge of his duties, in advance in any foreign country where custom or practice requires payment in advance. (June 5, 1930, sec. 5, 46 Stat. 499; 7 U. S. C., sec. 545.)

#### EXPORT STANDARDS FOR APPLES AND PEARS

**622. Standards of export; shipping without certificate; hearings.**—That it shall be unlawful for any person to ship or offer for shipment or for any carrier, or any steamship company, or any person to transport or receive for transportation to any foreign destination, except as provided in this Act, any apples and/or pears in packages which are not accompanied by a certificate issued under authority of the Secretary of Agriculture showing that such apples or pears are of a Federal or State grade which meets the minimum of quality established by the Secretary for shipment in export.

The Secretary is authorized to prescribe, by regulations, the requirements, other than those of grade, which the fruit must meet before certificates are issued. The Secretary shall provide opportunity, by public hearing or otherwise, for interested persons to examine and make recommendation with respect to any standard of export proposed to be established or designated, or regulation prescribed, by the Secretary for the purposes of this Act. (June 10, 1933, sec. 1, 48 Stat. 123; 7 U. S. C., sec. 581.)

**623. Notice of establishment of standards.**—The Secretary shall give reasonable notice through one or more trade papers of the effective date of standards of export established or designated by him under this Act: *Provided*, That any apples or pears may be certified and shipped for export in fulfillment of any contract made within six months prior to the date of such shipment if the terms of such contract were in accordance with the grades and regulations of the Secretary in effect at the time the contract was made. (June 10, 1933, sec. 2, 48 Stat. 124; 7 U. S. C., sec. 582.)

**624. Foreign standards; certification of compliance.**—Where the government of the country to which the shipment is to be made has standards or requirements as to condition of apples or pears the Secretary may, in addition to inspection and certification for compliance with the standards established or designated hereunder, inspect and certify for determination as to compliance with the standards or requirements of such foreign government and may provide for special certificates in such cases. (June 10, 1933, sec. 3, 48 Stat. 124; 7 U. S. C., sec. 583.)

**625. Shipments of less than carload lots; exemptions.**—Apples or pears in less-than-carload lots as defined by the Secretary may, in his discretion, be shipped to any foreign country without complying with the provisions of this Act. (June 10, 1933, sec. 4, 48 Stat. 124; 7 U. S. C., sec. 584.)

**626. Fees for inspection and certification; certificates as prima facie evidence.**—For inspecting and certifying the grade, quality, and/or condition of apples and/or pears the Secretary shall cause to be collected a reasonable fee which shall as nearly as may be cover the cost of the service rendered: *Provided*, That when cooperative arrangements satisfactory to the Secretary, or his designated representative, for carrying out the purposes of this Act cannot be made the fees collected hereunder in such cases shall be available until expended to defray the cost of the service rendered, and in such cases the limitations on the amounts expended for the purchase and maintenance of motor-propelled passenger-carrying vehicles shall not be applicable: *Provided further*, That certificates issued by the authorized agents of the United States Department of Agriculture shall be received in all courts of the United States as *prima facie* evidence of the truth of the statements therein contained. (June 10, 1933, sec. 5, 48 Stat. 124; 7 U. S. C., sec. 585.)

**627. Refusal of certificates for violation of laws; penalties for violations.**—After opportunity for hearing the Secretary is authorized to refuse the issuance of certificates under this Act for periods not exceeding ninety days to any person who ships or offers for shipment any apples and/or pears in foreign commerce in violation of any of the provisions of this Act. Any person or any common car-

rier or any transportation agency knowingly violating any of the provisions of this Act shall be fined not less than \$100 nor more than \$10,000 by a court of competent jurisdiction. (June 10, 1933, sec. 6, 48 Stat. 124; 7 U. S. C., sec. 586.)

**628. Rules and regulations; cooperation with other agencies.**—The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this Act, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, whether operating in one or more jurisdictions; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses, including reporting services, as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress. This Act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this Act; but it is intended that all such statutes shall remain in full force and effect except insofar as they are inconsistent herewith or repugnant hereto. (June 10, 1933, sec. 7, 48 Stat. 124, 7 U. S. C., sec. 587.)

**629. Separability clause.**—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (June 10, 1933, sec. 8, 48 Stat. 124; 7 U. S. C., sec. 588.)

**630. Definitions.**—That when used in this Act—

(1) The term "person" includes individuals, partnerships, corporations, and associations.

(2) The term "Secretary of Agriculture" means the Secretary of Agriculture of the United States.

(3) Except as provided herein, the term "foreign commerce" means commerce between any State, or the District of Columbia, and any place outside of the United States or its possessions.

(4) The term "apples and/or pears" means fresh whole apples or pears, whether or not they have been in storage. (June 10, 1933, sec. 9, 48 Stat. 124; 7 U. S. C., sec. 589.)

## ARMY

### QUARTERMASTER CORPS

**631. Transportation for National Museum and Government Departments.**—That hereafter the Quartermaster General and his officers, under his instructions, wherever stationed, shall receive, transport, and be responsible for all property turned over to them, or any one of them, by the officers or agents of any Government survey, for the National Museum, or for the civil or naval departments of the Government, in Washington or elsewhere, under the regulations governing the transportation of Army supplies, the amount paid for such

transportation to be refunded or paid by the Bureau to which such property or stores pertain. (July 5, 1884, 23 Stat. 111; 10 U. S. C., sec. 73.)

#### OFFICERS' RESERVE CORPS

**632. Government employees as reserve officers; leaves of absence when ordered to duty.**—That all officers and employees of the United States or of the District of Columbia who shall be members of the Officers' Reserve Corps shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be ordered to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year and when relieved from duty, be restored to the positions held by them when ordered to duty. (May 12, 1917, 40 Stat. 72; 10 U. S. C., sec. 371.)

#### PROCUREMENT OF STORES AND SUPPLIES

**632a. Unserviceable ammunition; exchange.**—That the Secretary of War be, and he is hereby, authorized to exchange deteriorated and unserviceable ammunition and components thereof for ammunition or components thereof in condition for immediate use. (June 1, 1926, sec. 1, 44 Stat. 680; 10 U. S. C., sec. 1209.)

**632b. Same; reclamation.**—The Secretary of War is further authorized, by contract or otherwise, to reclaim, by reworking, reconditioning, or otherwise converting into usable form, either in complete rounds or in serviceable components, such deteriorated and unserviceable ammunition and components thereof as it may not be advisable to have so exchanged, and to pay either the whole or part of the cost thereof through the exchange of deteriorated and unserviceable components not desired to retain. (June 1, 1926, 44 Stat. 680; 10 U. S. C., sec. 1210.)

**632c. Transfer of deteriorated explosives to Secretary of Agriculture.**—In the administration of sections 1 and 2 of this Act [10 U. S. C., secs. 1209, 1210], as amended, the Secretary of War is authorized and directed to transfer the powder and other explosive materials from such deteriorated and unserviceable ammunition and components thereof to the Secretary of Agriculture, for distribution and sale in such amounts and at such times as the latter may determine, to farmers at not less than cost, under such regulations as he may prescribe, for use in land clearing, drainage, road building, and other agricultural purposes, by the Secretary of Agriculture. No expense in connection with such distribution and sale shall be borne by the War Department, and the Secretary of Agriculture shall reimburse the Secretary of War for the powder and explosive materials transferred under this section in amounts equal to the credits the Secretary of War would have received in an exchange under sections 1 and 2 of this Act [10 U. S. C., secs. 1209, 1210]. Amounts so reimbursed are authorized to be made available for the expenditure by the War Department for ammunition or components thereof. The President is authorized to suspend the provisions of this section in case of national emergency. (June 1, 1926, sec. 3, Mar. 3, 1933, 47 Stat. 1487; 10 U. S. C., sec. 1210a.)

## SALES OR TRANSFERS TO OTHER DEPARTMENTS

**633. Transfer of surplus War Department ammunition to other departments.**—That the Secretary of War be, and he is hereby, authorized to turn over on request from other executive departments of the Government, in his discretion, from time to time, without charge therefor, such ammunition, explosives, and other ammunition components as may prove to be or shall become surplus or unsuitable for the purposes of the War Department and as shall be suitable for use in the proper activities of other executive departments. (July 11, 1919, sec. 2, 41 Stat. 130; 10 U. S. C., sec. 1251.)

**634. Sale of subsistence supplies by War Department to other executive departments or employees thereof; payment in cash; prices.**—That hereafter when under the Arm Regulations subsistence supplies are furnished to another bureau of the War Department, or to another executive department of the Government or employees thereof, payment therefor shall be made in cash by the proper disbursing officer of the bureau, office, or department concerned, or by the employee to whom the sale is made. When the transaction is between two bureaus of the War Department, the price to be charged shall be the contract or invoice price of the supplies. When the transaction is between the Quartermaster Corps and another executive department of the Government or employees thereof, the price to be charged shall include the contract or invoice price and ten per centum additional to cover wastage in transit, and the cost of transportation. (Mar. 3, 1911, 36 Stat. 1047; Aug. 24, 1912, sec. 3, 37 Stat. 591; 10 U. S. C., sec. 1253.)

**635. Real property required for Army storage.**—That the President is hereby authorized, through the head of any executive department, upon terms and conditions considered advisable by him or such head of department, to sell or lease real property or any interest therein or appurtenant thereto acquired by the United States of America since April 6, 1917, for storage purposes for the use of the Army, which in the judgment of the President, or the head of such department is no longer needed for use by the United States of America, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate any such sale or lease.

That all moneys received by the United States as the proceeds of any such sale or lease shall be deposited in the Treasury of the United States to the credit of "Miscellaneous receipts" and a full report of the same shall be submitted annually to Congress. (July 11, 1919, sec. 2, 41 Stat. 129; 10 U. S. C., secs. 1263, 1264.)

**636. Transfer of motor vehicles to branches of Government service; payment for from appropriations.**—The Secretary of War is authorized to transfer any unused and surplus motor-propelled vehicles and motor equipment of any kind, the payment for same to be made as provided herein, to any branch of the Government service having appropriations available for the purchase of said vehicles and equipment: *Provided*, That in case of the transfers herein authorized a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage,

shall be determined upon and an equivalent amount of each appropriation available for said purchase shall be covered into the Treasury as a miscellaneous receipt, and the appropriation in each case reduced accordingly: *Provided further*, That it shall be the duty of each official of the Government having such purchases in charge to procure the same from any such unused or surplus stock if possible: *Provided further*, That hereafter no transfer of motor-propelled vehicles and motor equipment, unless specifically authorized by law, shall be made free of charge to any branch of the Government service. (July 19, 1919, sec. 5, 41 Stat. 233; 10 U. S. C., sec. 1267.)

#### RADIOGRAMS OR TELEGRAMS

**637. Collecting forwarding charges on Government radiograms or telegrams.**—That hereafter the Signal Corps, in its operation of military telegraph lines, cables, or radio stations, is authorized, in the discretion of the Secretary of War, to collect forwarding charges due connecting commercial telegraph or radio companies for the transmission of Government radiograms or telegrams over their lines, and to this end, under such regulations as may be prescribed by the Secretary of War, it can present vouchers to disbursing officers for payment or file claims with the General Accounting Office for the amount of such forwarding charges. (May 12, 1917, 40 Stat. 43; June 10, 1921, 42 Stat. 23; 10 U. S. C., sec. 1319.)

#### TRANSPORTATION OF GOVERNMENT PROPERTY WITHOUT CHARGE OVER CERTAIN LAND-GRANT RAILROADS

**638. Transportation without charge by certain land-grant railroads.**—That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public land on the condition that such railroad should be a public highway for the use of the Government of the United States free from toll or other charge, or upon any other conditions for the use of such road, for such transportation; nor shall any allowance be made for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States. But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation, and recovering for the same if found entitled thereto by virtue of the laws in force prior to the passage of this act; provided that the claim for such charges shall not have been barred by the statute of limitations at the time of bringing the suit, and either party shall have the right of appeal to the Supreme Court of the United States; *And provided further*, That the foregoing provision shall not apply for the current fiscal year, nor thereafter, to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster General shall be satisfied that this condition has been faithfully complied with. (Mar. 3, 1875, sec. 1, 18 Stat. 453; 10 U. S. C., sec. 1376.)

## CENSUS

## COTTON STATISTICS

**639. Cotton statistics to be furnished by Director of Census to Department.**—The Director of the Census shall furnish to the Department of Agriculture, immediately prior to the publication of each report of that bureau regarding the cotton crop, the latest available statistics hereinbefore mentioned, and the said Department of Agriculture shall publish the same in connection with each of its reports concerning cotton. (Apr. 2, 1924, sec. 2, 43 Stat. 31; 13 U. S. C., sec. 72.)

**640. Contents of reports; separate item of number of bales of linter.**—That hereafter in collecting and publishing statistics of cotton on hand in warehouses and other storage establishments, and of cotton known as the "carry over" in the United States, the Director of the Census is hereby directed to ascertain and publish as a separate item in the report of cotton statistics the number of bales of linters as distinguished from the number of bales of cotton. (June 27, 1930, 46 Stat. 821; 13 U. S. C., sec. 72a.)

**641. Foreign cotton statistics.**—That in addition to the information regarding cotton in the United States hereinbefore provided for, the Director of the Census shall compile, by correspondence or the use of published reports and documents, any available information concerning the production, consumption, and stocks of cotton in foreign countries, and the number of cotton-consuming spindles in such countries. Each report published by the Bureau of the Census regarding cotton shall contain an abstract of the latest available information obtained under the provisions of this section, and the Director of the Census shall furnish the same to the Department of Agriculture for publication in connection with the reports of that department concerning cotton in the same manner as in the case of statistics relating to the United States. (Apr. 2, 1924, sec. 5, 43 Stat. 32; 13 U. S. C., sec. 75.)

**642. Cotton reports; time of issue.**—That the reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at eleven o'clock antemeridian on the eighth day following that on which the respective reports relate. When such date of release falls on Sunday or a legal holiday the reports shall be issued at eleven o'clock antemeridian on the next succeeding workday. (Apr. 2, 1924, sec. 6, 43 Stat. 32; 13 U. S. C., sec. 76.)

## FIFTEENTH AND SUBSEQUENT DECENTNIAL CENSUSES

**643. Authorization of decennial censuses; scope of inquiries; territory included.**—That a census of population, agriculture, irrigation, drainage, distribution, unemployment, and mines shall be taken by the Director of the Census in the year 1930 and every ten years thereafter. The census herein provided for shall include each State, the District of Columbia, Alaska, Hawaii, and Puerto Rico. A census of Guam, Samoa, and the Virgin Islands shall be taken in the same year by the respective governors of said islands and a census of the Panama Canal Zone by the Governor of the Canal Zone, all in

accordance with plans prescribed or approved by the Director of the Census. (June 18, 1929, sec. 1, 46 Stat. 21; 13 U. S. C., sec. 201.)

**644. Inquiries in schedules, number, form, and subdivision.**—That the fifteenth and subsequent censuses shall be restricted to inquiries relating to population, to agriculture, to irrigation, to drainage, to distribution, to unemployment, and to mines. The number, form, and subdivision of the inquiries in the schedules used to take the census shall be determined by the Director of the Census, with the approval of the Secretary of Commerce. (June 18, 1929, sec. 4, 46 Stat. 22; 13 U. S. C., sec. 204.)

**645. Inquiries as to population and agriculture.**—That the census of the population and of agriculture required by section 1 of this Act [13 U. S. C., sec. 201] shall be taken as of the 1st day of April, and it shall be the duty of each enumerator to commence the enumeration of his district on the day following unless the Director of the Census in his discretion shall change the date of commencement of the enumeration in said district by reason of climatic or other conditions which would materially interfere with the proper conduct of the work; but in any event it shall be the duty of each enumerator to prepare the returns hereinbefore required to be made and to forward the same to the supervisor of his district within thirty days from the commencement of the enumeration of his district. (June 18, 1929, sec. 6, 46 Stat. 23; U. S. C., sec. 206.)

**646. Information pertinent to census work; authority of Secretary of Commerce to call on other departments and officers.**—That the Secretary of Commerce, whenever he may deem it advisable, on request of the Director of the Census, is hereby authorized to call upon any other department or office of the Government for information pertinent to the work herein provided for. (June 18, 1929, sec. 15, 46 Stat. 25; 13 U. S. C., sec. 215.)

**647. Census of agriculture and livestock.**—That there shall be in the year 1935, and once every ten years thereafter, a census of agriculture and livestock, which shall show the acreage of farm land, the acreage of the principal crops, and the number and value of domestic animals on the farms and ranges of the country. The schedule employed in this census shall be prepared by the Director of the Census. Such census shall be taken as of the 1st day of January and shall relate to the crop year. The Director of the Census may appoint enumerators or special agents for the purpose of this census in accordance with the provisions of the permanent census Act. (June 18, 1929, sec. 16, 46 Stat. 25; 13 U. S. C., sec. 216.)

## COMMERCE AND TRADE

### FEDERAL TRADE COMMISSION

**648. Unfair methods of competition unlawful; prevention by commission.**—That unfair methods of competition in commerce are hereby declared unlawful.

**Power to prohibit.**—The commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the Acts to regulate commerce, from using unfair methods of competition in commerce.

**Procedure.**—Whenever the commission shall have reason to believe that any such person, partnership, or corporation has been or is

using any unfair method of competition in commerce, and if it shall appear to the commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation, a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least thirty days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the commission, to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission. If upon such hearing the commission shall be of the opinion that the method of competition in question is prohibited by this Act, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

**Orders; enforcement.**—If such person, partnership, or corporation fails or neglects to obey such order of the commission while the same is in effect, the commission may apply to the circuit court of appeals of the United States, within any circuit where the method of competition in question was used or where such person, partnership, or corporation resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the commission. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such person, partnership, or corporation and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the commission. The findings of the commission as to the facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission, and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall

file such modified or new findings, which, if supported by testimony, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in sections two hundred and thirty-nine and two hundred and forty of the Judicial Code [28 U. S. C., secs. 346, 347].

**Same; application to set aside.**—Any party required by such order of the commission to cease and desist from using such method of competition may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission, and thereupon the commission forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission as in the case of an application by the commission for the enforcement of its order, and the findings of the commission as to the facts, if supported by testimony, shall in like manner be conclusive.

**Jurisdiction of circuit court of appeals exclusive.**—The jurisdiction of the circuit court of appeals of the United States to enforce, set aside, or modify orders of the commission shall be exclusive.

**Precedence; effect of order of commission or judgment of court.**—Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the commission or judgment of the court to enforce the same shall in any wise relieve or absolve any person, partnership, or corporation from any liability under the antitrust acts.

**Process, service, return.**—Complaints, orders, and other processes of the commission under this section may be served by anyone duly authorized by the commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same. (Sept. 26, 1914, sec. 5, 38 Stat. 719; Feb. 13, 1925, sec. 2, 43 Stat. 939; 15 U. S. C., sec. 45.)

**648a. Additional powers of Federal Trade Commission.**—That the commission shall also have power—

(a) **Investigation of corporations.**—To gather and compile information concerning, and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers

subject to the Act to regulate commerce, and its relation to other corporations and to individuals, associations, and partnerships.

(b) **Reports by corporations.**—To require, by general or special orders, corporations engaged in commerce, excepting banks, and common carriers subject to the Act to regulate commerce, or any class of them, or any of them, respectively, to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commission may prescribe, and shall be filed with the commission within such reasonable period as the commission may prescribe, unless additional time be granted in any case by the commission.

(c) **Investigation of compliance with antitrust decrees.**—Whenever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust Acts, to make investigation, upon its own initiative, of the manner in which the decree has been or is being carried out, and upon the application of the Attorney General it shall be its duty to make such investigation. It shall transmit to the Attorney General a report embodying its findings and recommendations as a result of any such investigation, and the report shall be made public in the discretion of the commission.

(d) **Investigations of violations of antitrust statutes.**—Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust Acts by any corporation.

(e) **Readjustment of business of corporations violating antitrust statutes.**—Upon the application of the Attorney General to investigate and make recommendations for the readjustment of the business of any corporation alleged to be violating the antitrust Acts in order that the corporation may thereafter maintain its organization, management, and conduct of business in accordance with law.

(f) **Publication of information; reports.**—To make public from time to time such portions of the information obtained by it hereunder, except trade secrets and names of customers, as it shall deem expedient in the public interest; and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation; and to provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use.

(g) **Classification of corporations; regulations.**—From time to time to classify corporations and to make rules and regulations for the purpose of carrying out the provisions of this Act.

(h) **Investigations of foreign-trade conditions; reports.**—To investigate, from time to time, trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants, or traders, or other conditions, may affect the foreign trade of the United States, and to report to Congress thereon, with

such recommendations as it deems advisable. (Sept. 26, 1914 sec. 6, 38 Stat. 721; 15 U. S. C., sec. 46.)

**649. Information and assistance from departments.**—That the several departments and bureaus of the Government when directed by the President shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this Act, and shall detail from time to time such officials and employees to the commission as he may direct. (Sept. 26, 1914, sec. 8, 38 Stat. 722; 15 U. S. C., sec. 48.)

**650. Documentary evidence; depositions; witnesses.**—That for the purposes of this Act the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against; and the commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. Any member of the commission may sign subpoenas, and members and examiners of the commission may administer oaths and affirmations, examine witnesses, and receive evidence.

Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpoena the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Upon the application of the Attorney General of the United States, at the request of the commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this Act or any order of the commission made in pursuance thereof.

The commission may order testimony to be taken by deposition in any proceeding or investigation pending under this Act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinabove provided.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United

States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

No person shall be excused from attending and testifying or from producing documentary evidence before the commission or in obedience to the subpoena of the commission on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the commission in obedience to a subpoena issued by it: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. (Sept. 26, 1914, sec. 9, 38 Stat. 722; 15 U. S. C., sec. 49.)

**651. Offenses and penalties.**—That any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce documentary evidence, if in his power to do so, in obedience to the subpoena or lawful requirement of the commission, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this Act, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any corporation subject to this Act, or who shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of such corporation, or who shall willfully remove out of the jurisdiction of the United States, or willfully mutilate, alter, or by any other means falsify any documentary evidence of such corporation, or who shall willfully refuse to submit to the commission or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of such corporation in his possession or within his control, shall be deemed guilty of an offense against the United States, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than \$1,000 nor more than \$5,000 or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

If any corporation required by this Act to file any annual or special report shall fail so to do within the time fixed by the commission for filing the same, and such failure shall continue for thirty days after notice of such default, the corporation shall forfeit to the United States the sum of \$100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direc-

tion of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

Any officer or employee of the commission who shall make public any information obtained by the commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court. (Sept. 26, 1914, sec. 10, 38 Stat. 723; 15 U. S. C., sec. 50.)

#### WEIGHTS AND MEASURES

##### STANDARD BARRELS

**652. Standard barrel for apples; steel barrels.**—That the standard barrel for apples shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches outside measurement, representing as nearly as possible seven thousand and fifty-six cubic inches: *Provided*, That steel barrels containing the interior dimensions provided for in this section shall be construed as a compliance therewith. (Aug. 3, 1912, sec. 1, 37 Stat. 250; 15 U. S. C., sec. 231.)

**653. Barrels deemed below standard; marking.**—That all barrels packed with apples shall be deemed to be below standard if the barrel bears any statement, design, or device indicating that the barrel is a standard barrel of apples, as herein defined and the capacity of the barrel is less than the capacity prescribed by section one of this Act, unless the barrel shall be plainly marked on end and side with words or figures showing the fractional relation which the actual capacity of the barrel bears to the capacity prescribed by section one of this Act. The marking required by this paragraph shall be in block letters of size not less than seventy-two point one-inch gothic. (Aug. 3, 1912, sec. 4, 37 Stat. 251; 15 U. S. C., sec. 232.)

##### STANDARD CONTAINERS

**654. Standards for Climax baskets.**—That standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket, and twelve-quart basket, respectively:

(a) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement, top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used.

(b) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths

inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

(c) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

The standards for Climax baskets for mushrooms shall be those set forth above, except that a one-pound Climax basket of the following dimensions shall be standard for mushrooms when plainly stamped or marked on the side of the basket with the words "for mushrooms only": Length of bottom piece, seven and three-fourths inches; width of bottom piece, three and three-sixteenths inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and five-eighths inches; top of basket, length, nine and three-eighths inches; width, four and three-eighths inches; all outside measurements. Basket to have a cover four and three-eighths by nine and three-eighths inches when cover is used. (Aug. 31, 1916, sec. 1, 39 Stat. 673; June 11, 1934, sec. 1, Public 306; 15 U. S. C., sec. 251.)

**655. Standard basket or container for small fruits and vegetables.**—That the standard basket or other container for small fruits, berries, and vegetables shall be of the following capacities, namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart.

(a) The dry half pint shall contain sixteen and eight-tenths cubic inches.

(b) The dry pint shall contain thirty-three and six-tenths cubic inches.

(c) The dry quart shall contain sixty-seven and two-tenths cubic inches. (Aug. 31, 1916, sec. 2, 39 Stat. 673; 15 U. S. C., sec. 252.)

**656. Failure to conform to standards; penalty; exception.**—That it shall be unlawful to manufacture for shipment, or to sell for shipment, or to ship from any State or Territory of the United States or the District of Columbia to any other State or territory of the United States or the District of Columbia, any Climax baskets or other containers for small fruits, berries, or vegetables, whether filled or unfilled, which do not conform to the provisions of this Act, or to use in any such shipment for any commodity other than mushrooms the one-pound Climax basket provided for in section 1 of this Act [15 U. S. C., sec 251]; and any person guilty of a willful violation of any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$25: *Provided*, That nothing herein contained shall apply to the manufacture, sale, or shipment of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables when intended for export to foreign countries when such Climax baskets, baskets, or other containers for small fruits, berries, and vegetables accord with the specifications of the foreign purchasers or comply with the law of the country to which shipment is made or to be made. (Aug. 31, 1916, sec. 3, 39 Stat. 674; June 11, 1934, sec. 2, 48 Stat. 930; 15 U. S. C., sec. 253.)

**657. Examination and test by Department; rules and regulations.**—That the examination and test of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables, for the purpose of determining whether such baskets or other containers comply with the provisions of this Act shall be made by the Department of Agriculture, and the Secretary of Agriculture shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary. (Aug. 31, 1916, sec. 4, 39 Stat. 674; 15 U. S. C., sec. 254.)

**658. Duty of district attorneys.**—That it shall be the duty of each district attorney, to whom satisfactory evidence of any violation of the Act is presented, to cause appropriate proceedings to be commenced and prosecuted in the proper court of the United States for the enforcement of the penalties as in such case herein provided. (Aug. 31, 1916, sec. 5, 39 Stat. 674; 15 U. S. C., sec. 255.)

**659. Guaranty of manufacturer of baskets or containers.**—That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the manufacturer, wholesaler, jobber, or other party residing within the United States from whom such Climax baskets, baskets, or other container, as defined in this Act, were purchased, to the effect that said Climax baskets, baskets, or other containers are correct within the meaning of this Act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of Climax baskets, baskets, or other containers to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act. (Aug. 31, 1916, sec. 6., 39 Stat. 674; 15 U. S. C., sec. 256.)

STANDARD HAMPERS, ROUND STAVE BASKETS, AND SPLINT BASKETS FOR FRUITS AND VEGETABLES

**660. Standard hampers and round stave baskets.**—That the standard hampers and round stave baskets for fruits and vegetables shall be of the following capacities: One-eighth bushel, one-fourth bushel, one-half bushel, five-eighths bushel, three-fourths bushel, one bushel, one-and-one-fourth bushels, one-and-one-half bushels, and two bushels, which, respectively, shall be of the cubic content set forth in this section. For the purposes of this Act a bushel, standard dry measure, has a capacity of two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

(a) The standard one-eighth-bushel hamper or round stave basket shall contain two hundred and sixty-eight and eight-tenths cubic inches.

(b) The standard one-fourth-bushel hamper or round stave basket shall contain five hundred and thirty-seven and six-tenths cubic inches.

(c) The standard one-half-bushel hamper or round stave basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches.

(cc) The standard five-eighths-bushel hamper or round stave basket shall contain one thousand three hundred and forty-four cubic inches.

(d) The standard three-fourths-bushel hamper or round stave basket shall contain one thousand six hundred and twelve and eight-tenths cubic inches.

(e) The standard one-bushel hamper or round stave basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

(f) The standard one-and-one-fourth-bushel hamper or round stave basket shall contain two thousand six hundred and eighty-eight cubic inches.

(g) The standard one-and-one-half-bushel hamper or round stave basket shall contain three thousand two hundred and twenty-five and sixty-three one-hundredths cubic inches.

(h) The standard two-bushel hamper or round stave basket shall contain four thousand three hundred and eighty-four one-hundredths cubic inches. (May 21, 1928, sec. 1, 45 Stat. 685; 15 U. S. C., sec. 257.)

**661. Standard splint baskets.**—That the standard splint baskets for fruits and vegetables shall be the four-quart basket, eight-quart basket, twelve-quart basket, sixteen-quart basket, twenty-four-quart basket, and thirty-two-quart basket, standard dry measure. For the purposes of this Act a quart standard dry measure has a capacity of sixty-seven and two-tenths cubic inches.

(a) The four-quart splint basket shall contain two hundred and sixty-eight and eight-tenths cubic inches.

(b) The eight-quart splint basket shall contain five hundred and thirty-seven and six-tenths cubic inches.

(c) The twelve-quart splint basket shall contain eight hundred and six and four-tenths cubic inches.

(d) The sixteen-quart splint basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches.

(e) The twenty-four quart splint basket shall contain one thousand six hundred and twelve and eight-tenths cubic inches.

(f) The thirty-two quart splint basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches. (May 21, 1928, sec. 2, 45 Stat. 685; 15 U. S. C., sec. 257a.)

**662. Regulations to provide for reasonable variations; covers.**—That the Secretary of Agriculture shall in his regulations under this Act prescribe such tolerances as he may find necessary to allow in the capacities for hampers, round stave baskets, and splint baskets set forth in sections 1 and 2 of this Act in order to provide for reasonable variations occurring in the course of manufacturing and handling. If a cover be used upon any hamper or basket mentioned in this Act, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper or basket below that prescribed therefor. (May 21, 1928, sec. 3, 45 Stat. 686; 15 U. S. C., sec. 257b).

**663. Approval of manufacturer's dimension specifications by Secretary.**—That no manufacturer shall manufacture hampers, round stave baskets, or splint baskets for fruits and vegetables unless the dimension specifications for such hampers, round stave baskets, or splint baskets shall have been submitted to and approved by the Secretary of Agriculture, who is hereby directed to approve such specifications if he finds that hampers, round stave baskets, or splint baskets for

fruits and vegetables made in accordance therewith would not be deceptive in appearance and would comply with the provisions of sections 1 and 2 of this Act. (May 21, 1928, sec. 4, 45 Stat. 686; 15 U. S. C., sec. 257c.)

**664. Violations; punishment; guaranty against prosecution.**—That it shall be unlawful to manufacture for sale or shipment, to offer for sale, to sell, to offer for shipment, or to ship, hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets that do not comply with this Act: *Provided*, That this Act shall not apply to Climax baskets, berry boxes, and till baskets which comply with the provisions of the Act approved August 31, 1916, entitled "An Act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (Thirty-ninth United States Statutes at Large, page 673) [15 U. S. C., secs. 251-256], and the regulations thereunder. Any individual, partnership, association, or corporation that violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$500: *Provided further*, That no person shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within the United States from whom the hampers, round stave baskets, or splint baskets, as defined in this Act, were purchased, to the effect that said hampers, round stave baskets, or splint baskets are correct, within the meaning of this Act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of the hampers, round stave baskets, or splint baskets, to such person, and in such case such party or parties making such sale shall be amenable to the prosecution, fines, and other penalties which would attach in due course under the provisions of this Act to the person who made the purchase. (May 21, 1928, sec. 5; 45 Stat. 686; 15 U. S. C., sec. 257d.)

**665. Seizure of illegal hampers; condemnation.**—That any hamper, round stave basket, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets not complying with this Act, which shall be manufactured for sale or shipment, offered for sale, sold, or shipped, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request the person entitled shall be permitted to retain or take possession of the contents of such hampers or baskets, but in the absence of such request, or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale, as the court or a judge thereof may direct. If such hampers, round stave baskets, splint baskets, or parts thereof be found in such proceedings to be contrary to this Act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or parts thereof be returned to the owner thereof or sold upon the payment of the costs of such proceed-

ings and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or parts thereof shall not be sold or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit and in the name of the United States. (May 21, 1928, sec. 6, 45 Stat. 686; 15 U. S. C., sec. 257e.)

**666. Hampers and baskets for foreign countries.**—That this Act shall not prohibit the manufacture for sale or shipment, offer for sale, or shipment of hampers, round stave baskets, splint baskets, or parts thereof, to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this Act prevent the manufacture of banana hampers of the shape and character now in commercial use as shipping containers for bananas. (May 21, 1928, sec. 7, 45 Stat. 687; 15 U. S. C., sec. 257f.)

**667. Duty of United States attorneys.**—That it shall be the duty of each United States district attorney to whom satisfactory evidence of any violation of this Act is presented to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States in his district for the enforcement of the provisions of this Act. (May 21, 1928, sec. 8, 45 Stat. 687; 15 U. S. C., sec. 257g.)

**668. Regulations; examination; tests.**—That the Secretary of Agriculture shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this Act, and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round stave baskets, and splint baskets, or parts thereof, subject to this Act, meet the requirements, and may take samples of such hampers, baskets, or parts thereof, the cost of which samples, upon request, shall be paid to the person entitled. (May 21, 1928, sec. 9, 45 Stat. 687; 15 U. S. C., sec. 257h.)

**669. Carrying out purpose of statute; authority of Secretary; cooperation.**—That for carrying out the purposes of this Act the Secretary of Agriculture is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers, and shippers, to employ such persons and means, and to pay such expenses, including rent, printing publications, and the purchase of supplies and equipment in the District of Columbia and elsewhere, as he shall find to be necessary, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes. (May 21, 1928, sec. 10, 45 Stat. 687; 15 U. S. C., sec. 257i.)

**670. Effective date of sections 5 and 6.**—That sections 5 and 6 of this Act [15 U. S. C., secs. 257 d, e] shall become effective at but not before the expiration of one year following the 1st day of November, next, succeeding the passage of this Act. (May 21, 1928, sec. 11, 45 Stat. 687.)

## THE WEATHER BUREAU

**671. Establishment of the Weather Bureau.**—That the civilian duties now performed by the Signal Corps of the Army shall hereafter devolve upon a bureau to be known as the Weather Bureau, which, on and after July first, eighteen hundred and ninety-one, shall be established in and attached to the Department of Agriculture, and the Signal Corps of the Army shall remain a part of the Military Establishment under the direction of the Secretary of War, and all estimates for its support shall be included with other estimates for the support of the Military Establishment. (Oct. 1, 1890, sec. 1, 26 Stat. 653; 15 U. S. C., sec. 311.)

**672. Chief and employees.**—That the Weather Bureau shall hereafter consist of one Chief of Weather Bureau and such civilian employees as Congress may annually provide for and as may be necessary to properly perform the duties devolving on said bureau by law, and the chief of said bureau shall be appointed by the President, by and with the advice and consent of the Senate. (Oct 1, 1890, sec. 4, 26 Stat. 653; July 8, 1898, 30 Stat. 752; 15 U. S. C., sec 312.)

**673. Duties of Chief of Bureau.**—That the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, on and after July first, eighteen hundred and ninety-one shall have charge of the forecasting of weather, the issue of storm warnings, the display of weather and flood signals for the benefit of agriculture, commerce, and navigation, the gauging and reporting of rivers, the maintenance and operation of sea-coast telegraph lines and the collection and transmission of marine intelligence for the benefit of commerce and navigation, the reporting of temperature and rainfall conditions for the cotton interests, the display of frost and cold-wave signals, the distribution of meteorological information in the interests of agriculture and commerce, and the taking of such meteorological observations as may be necessary to establish and record the climatic conditions of the United States, or as are essential for the proper execution of the foregoing duties.

Within the limits of the appropriations which may be made for such purpose, it shall be the duty of the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, (a) to furnish such weather reports, forecasts, warnings, and advices as may be required to promote the safety and efficiency of air navigation in the United States and above the high seas, particularly upon civil airways designated by the Secretary of Commerce under authority of law as routes suitable for air commerce, and (b) for such purposes to observe, measure, and investigate atmospheric phenomena, and establish meteorological offices and stations. (Oct. 1, 1890, sec. 3, 26 Stat. 653; May 20, 1926, sec. 5 (e), 44 Stat. 571; 15 U. S. C., sec. 313).

**674. Promotions.—\* \* \*** The Secretary is hereby authorized to make promotions in the service without prejudice to those transferred from the Signal Service of the War Department. (Aug. 8, 1894, 28 Stat. 273; 15 U. S. C., sec. 314.)

**675. Changes or assignment to duty.—\* \* \*** The Secretary is hereby authorized to make such changes or assignment to duty in the personnel or detailed force of the Weather Bureau for limiting

or reducing expenses as he may deem necessary. (Mar. 2, 1895, 28 Stat. 736; 15 U. S. C., sec. 315.)

**676. Traveling expenses.**—Hereafter officials and employees of the Weather Bureau, when transferred from one station to another for official duty, shall be allowed all traveling expenses authorized by existing laws applicable to said bureau, notwithstanding any changes in appointments that may be required by such transfers. (Mar. 4, 1913, 37 Stat. 830; 15 U. S. C., sec. 316.)

**677. Appropriations.**—That on and after July first, eighteen hundred and ninety-one, the appropriations for the \* \* \* support of the Weather Bureau shall be made with those of the other bureaus of the Department of Agriculture, and it shall be the duty of the Secretary of Agriculture to prepare future estimates for the Weather Bureau which shall be hereafter specially developed and extended in the interests of agriculture. (Oct. 1, 1890, sec. 9, 26 Stat. 653; 15 U. S. C., sec. 317.)

**678. Weather signals on mail cars.**—That the Secretary of Agriculture, in cooperation with the Postmaster-General, may arrange a plan by which there shall be displayed on all cars and other conveyances used for transporting United States mail, suitable flags or other signals to indicate weather forecasts, cold-wave warnings, frost warnings, and so forth, to be furnished by the Chief of the Weather Bureau. (Apr. 25, 1896, 29 Stat. 108; 15 U. S. C., sec. 318.)

**679. Sale of maps or publications.**—Hereafter the Secretary of Agriculture is authorized to sell any surplus maps or publications of the Weather Bureau, and the money received from such sales shall be deposited in the Treasury of the United States, section two hundred and twenty-seven of the Revised Statutes notwithstanding. (Mar. 4, 1907, 34 Stat. 1258; 15 U. S. C., sec. 320.)

**680. Destruction of old telegrams.**—That hereafter all telegrams pertaining to the business of the Weather Bureau may be destroyed after they are three years old, and the accounts based thereon have been settled by the General Accounting Office. (May 25, 1900, 31 Stat. 204; June 10, 1921, sec. 304, 42 Stat. 24; 15 U. S. C., sec. 321.)

**681. Meteorological information to be furnished by Hydrographic Office to Navy Department.**—And hereafter the pilot charts prepared in the Hydrographic Office shall have conspicuously printed thereon the following: "Prepared from data furnished by the Hydrographic Office of the Navy Department and by the Weather Bureau of the Department of Agriculture, and published at the Hydrographic Office under the authority of the Secretary of the Navy"; and all meteorological information received by the Weather Bureau of the Department of Agriculture necessary for and of the character of such information heretofore used in the preparation of the pilot charts shall continue to be furnished with all possible expedition to the Hydrographic Office for use in the preparation of said charts. (June 17, 1910, 36 Stat. 508.)

#### FEDERAL CAUSTIC POISON ACT

**682. Citation.**—That this Act may be cited as the Federal Caustic Poison Act. (Mar. 4, 1927, sec. 1, 44 Stat. 1406; 15 U. S. C., sec. 401.)

**683. Definitions.**—As used in this Act, unless the context otherwise requires—

- (a) The term "dangerous caustic or corrosive substance" means:
- (1) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of 10 per centum or more;
  - (2) Sulphuric acid and any preparation containing free or chemically unneutralized sulphuric acid ( $H_2SO_4$ ) in a concentration of 10 per centum or more;
  - (3) Nitric acid or any preparation containing free or chemically unneutralized nitric acid ( $HNO_3$ ) in a concentration of 5 per centum or more;
  - (4) Carbolic acid ( $C_6H_5OH$ ), otherwise known as phenol, and any preparation containing carbolic acid in a concentration of 5 per centum or more;
  - (5) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid ( $H_2C_2O_4$ ) in a concentration of 10 per centum or more;
  - (6) Any salt of oxalic acid and any preparation containing any such salt in a concentration of 10 per centum or more;
  - (7) Acetic acid or any preparation containing free or chemically unneutralized acetic acid ( $HC_2H_3O_2$ ) in a concentration of 20 per centum or more;
  - (8) Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration so as to yield 10 per centum or more by weight of available chlorine, excluding calx chlorinata, bleaching powder, and chloride of lime;
  - (9) Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH), including caustic potash and Vienna paste, in a concentration of 10 per centum or more;
  - (10) Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye, in a concentration of 10 per centum or more;
  - (11) Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate ( $AgNO_3$ ) in a concentration of 5 per centum or more; and
  - (12) Ammonia water and any preparation containing free or chemically uncombined ammonia ( $NH_3$ ), including ammonium hydroxide and "hartshorn", in a concentration of 5 per centum or more.
- (b) The term "misbranded parcel, package, or container" means a retail parcel, package, or container of any dangerous caustic or corrosive substance not bearing a conspicuous, easily legible label or sticker, containing—
- (1) The common name of the substance;
  - (2) The name and place of business of the manufacturer, packer, seller, or distributor;
  - (3) The word "poison", running parallel with the main body of reading matter on the label or sticker, on a clear, plain background of a distinctly contrasting color, in uncondensed gothic capital letters, the letters to be not less than twenty-four point size unless there is on the label or sticker no other type so large, in which event the type shall be not smaller than the largest type on the label or sticker; and
  - (4) Directions for treatment in case of accidental personal injury by any dangerous caustic or corrosive substance, except that such

directions need not appear on labels or stickers, on parcels, packages, or containers at the time of shipment or of delivery for shipment by manufacturers and wholesalers for other than household use.

(c) The term "interstate or foreign commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

(d) This Act is not to be construed as modifying or limiting in any way the right of any person to manufacture, pack, ship, sell, barter, and distribute dangerous caustic or corrosive substances in parcels, packages, or containers, labeled as required by this Act. (Mar. 4, 1927, sec. 2, 44 Stat. 1406; 15 U. S. C., sec. 402.)

**684. Prohibition against misbranded shipments.**—No person shall ship or deliver for shipment in interstate or foreign commerce or receive from shipment in such commerce any dangerous caustic or corrosive substance for sale or exchange, or sell or offer for sale any such substance in any Territory or possession or in the District of Columbia, in a misbranded parcel, package, or container suitable for household use; except that the preceding provisions of this section shall not apply—

(a) To any regularly established common carrier shipping or delivering for shipment, or receiving from shipment, any such substance in the ordinary course of its business as a common carrier; nor

(b) To any person in respect of any such substance shipped or delivered for shipment, or received from shipment, for export to any foreign country, in a parcel, package, or container branded in accordance with the specifications of a foreign purchaser and in accordance with the laws of the foreign country.

(c) To any dealer when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the article is not misbranded within the meaning of this Act. This guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act. (Mar. 4, 1927, sec. 3, 44 Stat. 1407; 15 U. S. C., sec. 403.)

**685. Libel for condemnation proceedings.**—(a) Any dangerous caustic or corrosive substance in a misbranded parcel, package, or container suitable for household use shall be liable to be proceeded against in the district court of the United States for any judicial district in which the substance is found and to be seized for confiscation by a process of libel for condemnation, if such substance is being—

- (1) Shipped in interstate or foreign commerce, or
- (2) Held for sale or exchange after having been so shipped, or
- (3) Held for sale or exchange in any Territory or possession or in the District of Columbia.

(b) If such substance is condemned as misbranded by the court it shall be disposed of in the discretion of the court—

(1) By destruction.

(2) By sale. The proceeds of the sale, less legal costs and charges, shall be paid into the Treasury as miscellaneous receipts. Such substance shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of such jurisdiction, and the court may require the purchaser at any such sale to label such substance in compliance with law before the delivery thereof.

(3) By delivery to the owner thereof upon the payment of legal costs and charges and execution and delivery of a good and sufficient bond to the effect that such substance will not be sold or otherwise disposed of in any jurisdiction contrary to the provisions of this Act or the laws of such jurisdiction.

(c) Proceedings in such libel cases shall conform, as nearly as may be, to suits in rem in admiralty, except that either party may demand trial by jury on any issue of fact if the value in controversy exceeds \$20. In case of a jury trial the verdict of the jury shall have the same effect as a finding of the court upon the facts. All such proceedings shall be at the suit and in the name of the United States. (Mar. 4, 1927, sec. 4, 44 Stat. 1408; 15 U. S. C., sec. 404.)

**686. Exclusion of misbranded imports.**—(a) Whenever in the case of any dangerous caustic or corrosive substance being offered for importation the Secretary of Agriculture has reason to believe that such substance is being shipped in interstate or foreign commerce in violation of section 3 [15 U. S. C., sec. 403], he shall give due notice and opportunity for hearing thereon to the owner or consignee and certify such fact to the Secretary of the Treasury, who shall thereupon (1) refuse admission and delivery to the consignee of such substance, or (2) deliver such substance to the consignee pending examination, hearing, and decision in the matter, on the execution of a penal bond to the amount of the full invoice value of such substance, together with the duty thereon, if any, and to the effect that on refusal to return such substance for any cause to the Secretary of the Treasury when demanded, for the purpose of excluding it from the country or for any other purpose, the consignee shall forfeit the full amount of the bond.

(b) If, after proceeding in accordance with subdivision (a), the Secretary of Agriculture is satisfied that such substance being offered for importation was shipped in interstate or foreign commerce in violation of any provision of this Act, he shall certify the fact to the Secretary of the Treasury, who shall thereupon notify the owner or consignee and cause the sale or other disposition of such substance refused admission and delivery or entered under bond, unless it is exported by the owner or consignee or labeled by him so as to conform to the law within three months from the date of such notice, under such regulations as the Secretary of the Treasury may prescribe. All charges for storage, cartage, or labor on any such substance refused admission or delivery or entered upon bond shall be paid by the owner or consignee. In default of such payment such charges shall constitute a lien against any future importations made by such owner or consignee. (Mar. 4, 1927, sec. 5, 44 Stat. 1408; 15 U. S. C., sec. 405.)

**687. Removal of labels.**—No person shall alter, mutilate, destroy, obliterate, or remove any label or sticker required by this Act to

be placed on any dangerous caustic or corrosive substance, if such substance is being—

- (a) Shipped in interstate or foreign commerce; or
- (b) Held for sale or exchange after having been so shipped; or
- (c) Held for sale or exchange in any Territory or possession or by the District of Columbia. (Mar. 4, 1927, sec. 6, 44 Stat. 1409; 15 U. S. C., sec. 406.)

**688. Penalties.**—Any person violating any provision of section 3 or 6 [15 U. S. C., secs. 403, 406] shall upon conviction thereof be punished by a fine of not more than \$200 or imprisonment for not more than ninety days, or by both. (Mar. 4, 1927, sec. 7, 44 Stat., 1409; 15 U. S. C., sec. 407.)

**689. Institution of libel for condemnation and criminal proceedings.**—It shall be the duty of each United States district attorney to whom the Secretary of Agriculture shall report any violation of section 3 or 6 of this Act [15 U. S. C., secs. 403, 406] or to whom any health, medical, or drug officer or agent of any State, Territory, or possession, or of the District of Columbia presents satisfactory evidence of any such violation to cause libel for condemnation and criminal proceedings under sections 4 and 7 [15 U. S. C., secs. 404, 407] to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the condemnation and penalties provided in such sections. (Mar. 4, 1927, sec. 8, 44 Stat. 1409; 15 U. S. C., sec. 408.)

**690. Enforcement of act.**—(a) Except as otherwise specifically provided in this Act, the Secretary of Agriculture shall enforce its provisions.

(b) For enforcing the provisions of sections 4, 5, and 7 [15 U. S. C., secs. 404, 405, 407], the Secretary of Agriculture may cause investigations, inspections, analyses, and tests to be made and samples to be collected, of any dangerous caustic or corrosive substance. The Department of Agriculture shall pay to the person entitled, upon his request, the reasonable market value of any such sample taken. If it appears from the inspection, analysis, or test of any dangerous caustic or corrosive substance that such substance is in a misbranded package, parcel, or container suitable for household use, the Secretary of Agriculture shall cause notice thereof to be given to any person who may be liable for any violation of section 3 or 6 [15 U. S. C., secs. 403, 406] in respect of such substance. Any person so notified shall be given an opportunity to be heard under regulations prescribed by the Secretary of Agriculture. If it appears that such person has violated the provisions of section 3 or 6 [15 U. S. C., secs. 403, 406] the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the inspection, analysis, or test duly authenticated under oath by the person making such inspection, analysis, or test.

(c) For the enforcement of his functions under this Act the Secretary of Agriculture is authorized—

- (1) To prescribe and promulgate such regulations as may be necessary.
- (2) To cooperate with any department or agency of the Government, with any State, Territory, or possession, or with the District of Columbia, or with any department, agency, or political subdivision thereof, or with any person.

(3) Subject to the civil service laws to appoint and, in accordance with the Classification Act of 1923, to fix the salaries of such officers and employees as may be required for the execution of the functions of the Secretary of Agriculture under this Act and as may be provided for by the Congress from time to time.

(4) To make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, and for law books, books of reference, and periodicals) as may be required for the execution of the functions vested in the Secretary of Agriculture by this Act and as may be provided for by the Congress from time to time.

(5) To give notice, by publication in such manner as the Secretary of Agriculture may by regulation prescribe, of the judgment of the court in any case under the provisions of this Act. (Mar. 4, 1927, sec. 9, 44 Stat. 1409; 15 U. S. C., sec. 409.)

**691. Separability clause.**—If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby. (Mar. 4, 1927, sec. 10, 44 Stat. 1409; 15 U. S. C., sec. 410.)

**692. Time of taking effect.**—This Act shall take effect upon its passage; but no penalty or condemnation shall be enforced for any violation of the Act occurring within six months after its passage. (Mar. 4, 1927, sec. 11, 44 Stat. 1410.)

**693. Application to existing law.**—The provisions of this Act shall be held to be in addition to and not in substitution for the provisions of the following Acts:

(a) The Food and Drugs Act, approved June 30, 1906, as amended. [21 U. S. C., secs. 1-15].

(b) The Insecticide Act of 1910, as amended [7 U. S. C., ch. 6].

(c) The Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended. (Mar. 4, 1927, sec. 12, 44 Stat. 1410; 15 U. S. C., sec. 411.)

#### TEXTILE FOUNDATION

**694. Textile Foundation; creation; directors; principal office; agencies.**—That the Secretary of Commerce, the Secretary of Agriculture, and three directors first appointed as provided in section 2 [15 U. S. C., sec. 502] and their successors, are hereby created a body corporate of the District of Columbia by the name of the "Textile Foundation" (hereinafter referred to as the corporation). The incorporation shall be held effected upon the date of the first meeting of the board of directors. The corporation shall maintain its principal office in the District of Columbia and may establish such agencies or branch offices at such places as it deems advisable. (June 10, 1930, sec. 1, 46 Stat. 539; 15 U. S. C., sec. 501.)

**695. Board of directors; appointment; term; vacancies; quorum; compensation; powers.**—(a) The board of directors of the corporation (hereinafter referred to as the board) shall be constituted as follows:

(1) The Secretary of Commerce;

(2) The Secretary of Agriculture; and

(3) Three individuals familiar with the textile industry or its allied branches, including that of production of raw materials, and their successors, to be appointed by the President, one for a term of two years, one for a term of three years, and one for a term of four years, from the date the incorporation is effected.

(b) Each successor shall be appointed for a term of four years from the date of the expiration of the term of the member whom he succeeds, except that any successor appointed to fill a vacancy occurring prior to the expiration of the term shall be appointed only for the unexpired term of the member whom he succeeds. A vacancy in the office of a director shall not impair the power of the remaining directors to execute the functions of the board. A majority of the directors shall constitute a quorum for the transaction of the business of the board.

(c) The members of the board shall serve without compensation for their services as such members, but they shall be reimbursed from the corporation for actual expenses incurred by them while in the performance of the functions vested in the board by this Act.

(d) Any officer or employee of the United States, or of any corporation acting as a governmental agent of the United States, may, in addition to his present office, hold the office of director of the Textile Foundation without regard to any provision of law prohibiting the holding of more than one office.

(e) The board at its first meeting and at each annual meeting thereafter shall elect a chairman.

(f) The board shall direct the exercise of all the powers of the corporation. (June 10, 1930, sec. 2, 46 Stat. 539; 15 U. S. C., sec. 502.)

**696. Purpose.**—(a) The purposes of the corporation shall be to administer and expend its funds and other property for scientific and economic research for the benefit and development of the textile industry, its allied branches, and including that of production of raw materials.

(b) The Textile Alliance, Incorporated, is hereby authorized to pay to the corporation the amounts payable in accordance with the arrangement between the Textile Alliance, Incorporated, and the Department of State, in lieu of paying such amounts into the United States Treasury; except that any amounts payable in accordance with such arrangement, and paid into the United States Treasury before the enactment of this Act, are authorized to be appropriated to the credit of the corporation. Upon the receipt by the corporation of such amounts the liability of the Textile Alliance, Incorporated, under such arrangement shall be extinguished. (June 10, 1930, sec. 3, 46 Stat. 539; 15 U. S. C., sec. 503.)

**697. Powers of corporation.**—The corporation—

- (a) Shall have perpetual possession;
- (b) May sue and be sued;
- (c) May adopt a corporate seal and alter it at pleasure;
- (d) May adopt and alter by-laws;
- (e) May appoint officers and agents;
- (f) May acquire by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of, such real and personal property as may be necessary or appropriate for its corporate purposes;

(g) May invest and reinvest the principal and interest of its funds; and

(h) Generally, may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created. (June 10, 1930, sec. 4, 46 Stat. 540; 15 U. S. C., sec. 504.)

**698. Report to Congress.**—The corporation shall, on or before the 1st day of December in each year, transmit to Congress and to the President a report of its proceedings and activities for the preceding calendar year, including a detailed statement of its receipts and expenditures. Such reports shall not be printed as public documents. (June 10, 1930, sec. 5, 46 Stat. 540; 15 U. S. C., sec. 505.)

**699. Amendment and repeal.**—The right to alter, amend, or repeal this Act is hereby expressly reserved. (June 10, 1930, sec. 6, 46 Stat. 540; 15 U. S. C., sec. 506.)

#### NATIONAL BITUMINOUS COAL COMMISSION

**700. Bituminous coal code.**—The provisions of this section shall be formulated by the Commission into a working agreement, to be known as the "Bituminous Coal Code", and herein referred to as the "Code." Producers accepting and operating under its provisions are herein referred to as "Code members."

For the purpose of carrying out the declared policy of this Act, the code shall contain the following conditions, provisions, and obligations which will tend to regulate interstate commerce in bituminous coal and transactions directly affecting interstate commerce in bituminous coal:

#### PART I—ORGANIZATION AND PRODUCTION

(a) Twenty-three district boards of coal producers shall be organized. Each district board shall consist of not less than three nor more than seventeen members. The number of members of the district board shall, subject to the approval of the Commission, be determined by the majority vote of the district tonnage during the calendar year 1934 represented at a meeting of the producers of the district called for the purpose of such determination and for the election of such district board; and all known producers within the district shall be given notice of the time and place of the meeting. All but one of the members of the district board shall be producers or representatives of producers truly representative of all the mines of the district. The number of such producer members shall be an even number. One-half of such producer members shall be elected by the majority in number of the producers of the district represented at the aforesaid meeting. The other producer members shall be elected by votes cast in the proportion of the annual tonnage output for the preceding calendar year of the producers in the district, with the right on the part of the producers to vote their tonnage cumulatively: *Provided*, That not more than one officer or employee of any producer within a district shall be a member of the district board at the same time. The remaining member of each district board shall be selected by the organization of employees representing the preponderant number of employees in the industry of the district in question. The term of district board members shall be two years and until their successors are elected.

In case any marketing agency comprising a substantial number of code members in any producing field within a district establishes, to the satisfaction of the Commission, that it has no representation upon the district board and that it is fairly entitled thereto, the Commission may, in its discretion, after hearing, increase the membership of such district board so as to provide for such representation.

Marketing agencies may be established or maintained within any district by a voluntary association of producers within any producing field therein, as such producing field may be defined by the district board, and function under such general rules and regulations as may be prescribed by the district board, with the approval of the Commission, for the purpose of marketing their coal with due respect for the standards of unfair competition as defined in this Act. Each such marketing agency shall impose no unreasonable or inequitable conditions of membership and shall be truly representative of at least one-third of the tonnage of any producing field or group of producing fields.

The term "marketing agency" or "agencies" as used in this Act shall include any trade association of coal producers complying with the requirements of a marketing agency and exercising the functions thereof.

The district boards and marketing agencies shall each have power to adopt bylaws and rules of procedure, subject to approval of the Commission, and to appoint officers from their own membership, to fix their terms and compensation, to provide for reports, and to employ such committees, employees, arbitrators, and other persons necessary to effectuate their purposes. Members of the district board shall serve, as such, without compensation, but may be reimbursed for their reasonable expenses. The territorial boundaries or limits of such twenty-three districts are set forth in the schedule entitled "Schedule of Districts" and annexed to this Act: *Provided*, That the territorial boundaries or limits of any district or districts may be changed, or said districts may be divided or consolidated, after hearing, by the Commission.

(b) The expense of administering the code by the respective district boards shall be borne by those subject to the jurisdiction of such boards, respectively, each paying his proportionate share, as assessed, computed on a tonnage basis, in accordance with regulations prescribed by such boards with the approval of the Commission. Such assessments may be collected by the district board by action in any court of competent jurisdiction.

(c) Nothing contained in this Act shall constitute the members of a district board partners for any purpose. Nor shall any member of a district board be liable in any manner to any one for any act of any other member, officer, agent or employee of the district board. Nor shall any member of a district board, exercising reasonable diligence in the conduct of his duties under this Act, be liable to any one for any action or omission to act under this Act, except for his own willful misfeasance, or for nonfeasance involving moral turpitude.

#### PART II—MARKETING

The district boards and code members shall accept and be subject to the jurisdiction of the Commission to approve or to fix minimum and maximum prices, as follows:

(a) All code members shall, in their respective districts, report all spot orders to the district board and shall file with it copies of all contracts for the sale of coal, copies of all invoices, copies of all credit memoranda, and such other information concerning the preparation, cost, sale, and distribution of coal as the Commission may authorize or require. All such records shall be held by the district board as the confidential records of the code member filing such information.

Each district board may set up and maintain a statistical bureau, and the district board may require that such reports and other information in this subsection described shall be filed with such statistical bureau in lieu of the filing thereof with the district board.

Each district board shall, from time to time, on its own motion or when directed by the Commission, establish minimum prices free on board transportation facilities at the mines for kinds, qualities, and sizes of coal produced in said district, with full authority, in establishing such minimum prices, to make such classification of coals and price variations as to mines and consuming market areas as it may deem necessary and proper. In order to sustain the stabilization of wages, working conditions, and maximum hours of labor, said prices shall be established so as to yield a return per net ton for each district in a minimum price area, as such districts are identified and such area is defined in the subjoined table designated "Minimum-price-area table", equal as nearly as may be to the weighted average of the total costs, per net ton, determined as hereinafter provided, of the tonnage of such minimum-price area. The computation of the total costs shall include the cost of labor, supplies, power, taxes, insurance, workmen's compensation, royalties, depreciation, and depletion (as determined by the Bureau of Internal Revenue in the computation of the Federal income tax) and all other direct expenses of production, coal operators' association dues, district board assessments for Board operating expenses only levied under the code, and reasonable costs of selling and the cost of administration.

#### MINIMUM-PRICE-AREA TABLE

Area 1: Eastern Pennsylvania, district 1; western Pennsylvania, district 2; northern West Virginia, district 3; Ohio, district 4; Michigan, district 5; Panhandle, district 6; Southern numbered 1, district 7; Southern numbered 2, district 8; West Kentucky, district 9; Illinois, district 10; Indiana, district 11; Iowa, district 12; that part of Southeastern, district 13, comprising Van Buren, Warren, and McMinn Counties in Tennessee.

Area 2: Southeastern, district 13, except Van Buren, Warren, and McMinn Counties in Tennessee.

Area 3: Arkansas-Oklahoma, district 14.

Area 4: Southwestern, district 15.

Area 5: Northern Colorado, district 16; southern Colorado, district 17; New Mexico, district 18.

Area 6: Wyoming, district 19; Utah, district 20.

Area 7: North Dakota and South Dakota, district 21.

Area 8: Montana, district 22.

Area 9: Washington, district 23.

The minimum prices so established shall reflect, as nearly as possible, the relative market value of the various kinds, qualities, and

sizes of coal, shall be just and equitable as between producers within the district, and shall have due regard to the interest of the consuming public. The procedure for establishment of minimum prices shall be in accordance with rules and regulations to be approved by the Commission.

A schedule of such minimum prices, together with the data upon which they are computed, including, but without limitation, the factors considered in determining the price relationship, shall be submitted by the district board to the Commission, which may approve, disapprove, or modify the same to conform to the requirements of this subsection, and such approval, disapproval, or modification shall be binding upon all code members within the district, subject to such modification therein as may result from the coordination provided for in the succeeding subsection (b): *Provided*, That all minimum prices established for any kind, quality, or size of coal for shipment into any consuming market area shall be just and equitable as between producers within the district: *And provided further*, That no minimum price shall be established that permits dumping.

As soon as possible after its creation, each district board shall determine the weighted average of the total costs of the ascertainable tonnage produced in the district in the calendar year 1934. The district board shall adjust the average costs so determined, as may be necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which may have been established since January 1, 1934. Such determination and the computations upon which it is based shall be promptly submitted to the Commission by each district board in the respective minimum-price area. The Commission shall thereupon determine the weighted average of the total costs of the tonnage for each minimum-price area in the calendar year 1934, adjusted as aforesaid, and transmit it to all the district boards within such minimum-price area. Said weighted average of the total costs shall be taken as the basis for the establishment of minimum prices to be effective until changed by the Commission. Thereafter, upon satisfactory proof made at any time by any district board of a change in excess of 2 cents per net ton of two thousand pounds in the weighted average of the total costs in the minimum-price area, exclusive of seasonal changes, the Commission shall increase or decrease the minimum prices accordingly. The weighted average figures of total cost determined as aforesaid shall be available to the public.

Each district board shall, on its own motion or when directed by the Commission, establish reasonable rules and regulations incidental to the sale and distribution of coal by code members within the district. Such rules and regulations shall not be inconsistent with the requirements of this section and shall conform to the standards of fair competition hereinafter established. Such rules and regulations shall be submitted by the district board to the Commission with a statement of the reasons therefor, and the Commission may approve, disapprove, or modify the same, and such approval, disapproval, or modification shall be binding upon all code members within the district.

(b) District boards shall, under rules and regulations established by the Commission, coordinate in common consuming market areas upon a fair competitive basis the minimum prices and the rules

and regulations established by them, respectively, under subsection (a) hereof. Such coordination, among other factors, but without limitation, shall take into account the various kinds, qualities, and sizes of coal, and transportation charges upon coal. All minimum prices established for any kind, quality, or size of coal for shipment into any consuming market area shall be just and equitable, and not unduly prejudicial or preferential, as between and among districts, and shall reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities and sizes of coal produced in the various districts to the end of affording the producers in the several districts substantially the same opportunity to dispose of their coals upon a competitive basis as has heretofore existed. The minimum prices established as a result of such coordination shall not, as to any district, reduce or increase the return per net ton upon all the coal produced therein below or above the minimum return as provided in subsection (a) of this section by an amount greater than necessary to accomplish such coordination, to the end that the return per net ton upon the entire tonnage of the minimum price area shall approximate and be not less than the weighted average of the total costs per net ton of the tonnage of such minimum price area. Such coordinated prices and rules and regulations, together with the data upon which they are predicated, shall be submitted to the Commission, which may approve, disapprove, or modify the same to establish and maintain such fair competitive relationship, and such approval, disapproval, or modification shall be binding upon all code members within the affected districts. No minimum price shall be established that permits dumping. On the petition of any district board or other party in interest or on its own motion, after notice to the district boards, the Commission may at any time conduct hearings to determine whether the foregoing method of fixing minimum prices under subsection (a) is prejudicial to any district with respect to the fair opportunity of such district to market its coal. Should the Commission so find, and further find that the prejudice cannot be removed through the coordination of minimum prices as provided for in this subsection (b), then the Commission may establish a different basis for determining minimum prices in such district, to the end that fair and competitive prices shall prevail in the marketing of the coal produced in such district: *Provided*, That the minimum prices so established as to any such district shall yield a return, per net ton, not less than the weighted average of the total costs, per net ton, of the tonnage of such district.

(c) When, in the public interest, the Commission deems it necessary to establish maximum prices for coal in order to protect the consumer of coal against unreasonably high prices therefor, the Commission shall have the right to fix maximum prices free on board transportation facilities for coal in any district. Such maximum prices shall be established at a uniform increase above the minimum prices in effect within the district at the time, so that in the aggregate the maximum prices shall yield a reasonable return above the weighted average total cost of the district: *Provided*, That no maximum price shall be established for any mine which shall not return cost plus a reasonable profit.

(d) If any code member or district board, or any State or political subdivision of a State, shall be dissatisfied with such coordination of prices or rules and regulations, or by a failure to establish such coordination of prices or rules and regulations, or by the maximum prices established for him or it pursuant to subsection (c) of this section, he or it shall have the right, by petition, to make complaint to the Commission, and the Commission shall, under rules and regulations established by it, and after notice and hearing, make such order as may be required to effectuate the purpose of subsections (b) and (c) of this section, which order shall be binding upon all parties in interest. Pending final disposition of such petition, and upon reasonable showing of necessity therefor, the Commission may make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of this Act.

(e) Subject to the exceptions provided in section 12 of this Act, no coal shall be sold or delivered at a price below the minimum or above the maximum therefor approved or established by the Commission, and the sale or delivery of coal at a price below such minimum or above such maximum shall constitute a violation of the code.

Subject to the exceptions provided in section 12 of this Act, a contract for the sale of coal at a price below the minimum or above the maximum therefor approved or established by the Commission at the time of the making of the contract shall constitute a violation of the code, and such contract shall be invalid and unenforceable.

From and after the date of approval of this Act, until prices shall have been established pursuant to subsections (a) and (b) of part II of this section, no contract for the sale of coal shall be made providing for delivery for a period longer than thirty days from the date of the contract.

While this Act is in effect no code member shall make any contract for the sale of coal for delivery after the expiration date of this Act at a price below the minimum or above the maximum therefor approved or established by the Commission and in effect at the time of making the contract.

The minimum prices established in accordance with the provisions of this section shall not apply to coal sold by a code member and shipped outside the domestic market. The domestic market shall include all points within the continental United States and Canada, and car-ferry shipments to the Island of Cuba. Bunker coal delivered to steamships for consumption thereon shall be regarded as shipped within the domestic market. Maximum prices established in accordance with the provisions of this section shall not apply to coal sold by a code member and shipped outside the continental United States.

(f) All data, reports, and other information in the possession of the National Recovery Administration in relation to bituminous coal shall be available to the Commission for the administration of this Act.

(g) The price provisions of this Act shall not be evaded or violated by or through the use of docks or other storage facilities or transportation facilities, or by or through the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever

kind or character, or any part thereof. The Commission is hereby authorized, after investigation and hearing, and upon notice to the interested parties, to make and issue rules and regulations to make this subsection effective.

(h) All sales and contracts for the sale of coal shall be subject to the code prices herein provided for and in effect at the time of the making of such sales and contracts. The Commission shall prescribe the price allowance to and receivable by persons who purchase coal for resale, and resell it in not less than cargo or railroad carload lots; and shall require the maintenance by such persons, in the resale of coal, of the minimum prices established under this Act.

#### UNFAIR METHODS OF COMPETITION

(i) The following practices shall be unfair methods of competition and shall constitute violations of the code:

1. The consignment of unordered coal, or the forwarding of coal which has not actually been sold, consigned to the producer or his agent: *Provided, however,* That coal which has not actually been sold may be forwarded, consigned to the producer or his agent at rail or track yards, tidewater ports, river ports, or lake ports, or docks beyond such ports. Such limitations on the consignment of coal shall not apply to the following classes: Bunker coal, coal applicable against existing contracts, coal for storage (other than in railroad cars) by the producer or his agent in rail or track yards or on docks, wharves, or other yards for resale by the producer or his agent.

2. The adjustment of claims with purchasers of coal in such manner as to grant secret allowances, secret rebates, or secret concessions, or other price discrimination.

3. The prepayment of freight charges with intent to or having the effect of granting a discriminatory credit allowance.

4. The granting in any form of adjustments, allowances, discounts, credits, or refunds to purchasers or sellers of coal, for the purposes or with the effect of altering retroactively a price previously agreed upon, in such manner as to create price discrimination.

5. The predating or postdating of any invoice or contract for the purchase or sale of coal, except to conform to a bona fide agreement for the purchase or sale entered into on the predate.

6. The payment or allowance in any form or by any device of rebates, refunds, credits, or unearned discounts, or the extension to certain purchasers of services or privileges not extended to all purchasers under like terms and conditions, or under similar circumstances.

7. The attempt to purchase business, or to obtain information concerning a competitor's business by concession, gifts, or bribes.

8. The intentional misrepresentation of any analysis or of analyses, or of sizes, or the intentional making, causing, or permitting to be made, or publishing, of any false, untrue, misleading, or deceptive statement by way of advertising, invoicing, or otherwise concerning the size, quality, character, nature, preparation, or origin of any coal bought, sold, or consigned.

9. The unauthorized use, whether in written or oral form, of trade marks, trade names, slogans, or advertising matter already adopted by a competitor, or any deceptive approximation thereof.

10. Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and his customer during the term of such contract.

11. Splitting or dividing commissions, broker's fees, or brokerage discounts, or otherwise in any manner directly or indirectly using brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under this Act, to any industrial consumer or to any retailers, or to others, whether of a like or different class.

12. Selling to, or through, any broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of an organization of retailers or industrial consumers, whereby they or any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by this Act.

13. Violations of the provisions of the code.

It shall not be an unfair method of competition or a violation of the code or any requirement of this Act (1) to sell to or through any bona fide and legitimate farmer's cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States whether or not such organization grants rebates, discounts, patronage dividends, or other similar benefits to its members, (2) to sell through any intervening agency to any such cooperative organization, or (3) to pay or allow to any such cooperative organization or to any such intervening agency any discount, commission, rebate, or dividend ordinarily paid or allowed, or permitted by the code to be paid or allowed, to other purchasers for purchases in wholesale or middleman quantities.

(j) The Commission shall have jurisdiction to hear and determine written complaints made charging any violation of the code specified in this part II. It shall make and publish rules and regulations for the consideration and hearing of any such complaint, and all interested parties shall be required to conform thereto. The Commission shall make due effort toward adjustment of such complaints and shall endeavor to compose the differences of the parties, and shall make such order or orders in the premises, from time to time, as the facts and the circumstances warrant. Any such order shall be subject to review as are other orders of the commission.

### PART III—LABOR RELATIONS

To effectuate the purposes of this Act, the district boards and code members shall accept the following conditions which shall be contained in said code:

(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from interference, restraint, or coercion of employers, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; and no employee and no one seeking employment shall be required as a condition of employment to join any company union.

(b) Employees shall have the right of peaceable assemblage for the discussion of the principles of collective bargaining, shall be entitled to select their own check-weighman to inspect the weighing or measuring of coal, and shall not be required as a condition of employment to live in company houses or to trade at the store of the employer.

(c) A Bituminous Coal Labor Board, hereinafter referred to as "Labor Board", consisting of three members, shall be appointed by the President of the United States by and with the advice and consent of the Senate, and shall be assigned to the Department of Labor. The chairman shall be an impartial person with no financial interest in the industry, or connection with any organization of the employees. Of the other members, one shall be a representative of the producers and one shall be a representative of the organized employees, each of whom may retain his respective interest in the industry or relationship to the organization of employees. The Labor Board shall, with due regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation and duties of a secretary and necessary clerical and other assistants. The members shall serve for a period of four years or until the prior termination of this Act, and shall each receive compensation at the rate of \$10,000 per annum and necessary traveling expenses. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor in office. Decisions of the Labor Board may be made by a majority thereof.

(d) The Labor Board shall sit at such places as its duties require, and may appoint an examiner to report evidence for its finding in any particular case. It shall notify the parties to any dispute of the time and place of the taking of evidence, or the hearing of the cause, and its finding of facts supported by any substantial evidence shall be conclusive upon review thereof by any court of the United States. It shall transmit its findings and order to the parties interested and to the Commission. The Commission shall take no action thereon for sixty days after the entry of the order of the Labor Board; and if within such sixty days an appeal is taken under the provisions of section 16 of this Act, no action on such finding and order shall be taken by the Commission during the pendency of the appeal.

(e) The Labor Board shall have authority to adjudicate disputes arising under subsections (a) and (b) of this part III, and to determine whether or not an organization of employees has been promoted, or is controlled or dominated by an employer in its organization, management, policy, or election of representatives; and for the purpose of determining who are the freely chosen representatives of the employees the Board may order and under its supervision may conduct an election of employees for that purpose. The Labor Board may order a code member to meet the representatives of its employees for the purpose of collective bargaining.

(f) The Labor Board may offer its services as mediator in any dispute between a producer and its employees where such dispute is not determined by the tribunal set up in a bona fide collective contract; and upon the written submission by the parties requesting an award on a stated matter signed by the duly accredited representatives of the employer and employees, the Labor Board may arbitrate the matter submitted.

(g) Whenever the maximum daily and weekly hours of labor are agreed upon in any contract or contracts negotiated between the producers of more than two-thirds the annual national tonnage production for the preceding calendar year and the representatives of more than one-half the mine workers employed, such maximum hours of labor shall be accepted by all the code members. The wage agreement or agreements negotiated by collective bargaining in any district or group of two or more districts, between representatives of producers of more than two-thirds of the annual tonnage production of such district or each of such districts in a contracting group during the preceding calendar year, and representatives of the majority of the mine workers therein, shall be filed with the Labor Board and shall be accepted as the minimum wages for the various classifications of labor by the code members operating in such district or group of districts. (Aug. 30, 1935, sec. 4, Public 402, 74th Cong.)

**701. Purchase of bituminous coal by United States prohibited where section 4 not complied with; contracts for public work.**—(a) No bituminous coal shall be purchased by the United States, or any department or agency thereof, produced at any mine, where the producer has not complied with the provisions of the code set out in section 4 of this Act.

(b) Each contract made by the United States, or any department or agency thereof, with a contractor for any public work, or service, shall contain a provision that the contractor will buy no bituminous coal to use on or in the carrying out of such contract from any producer except such producer be a member of the code set out in section 4 of this Act as certified to by the National Bituminous Coal Commission. (Aug. 30, 1935, sec. 14, Public 402, 74th Cong.)

#### ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

**702. Policy of Congress stated.**—It is hereby declared to be the policy of Congress to insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus by regulating the marketing of such serum and virus in interstate and foreign commerce, and to prevent undue and excessive fluctuations and unfair methods of competition and unfair trade practices in such marketing. (Aug. 24, 1935, sec. 56, Public 320, 74th Cong.)

**703. Marketing agreements; exemption from antitrust laws.**—In order to effectuate the policy declared in section 56 of this Act the Secretary of Agriculture shall have the power, after due notice and opportunity for hearing, to enter into marketing agreements with manufacturers and others engaged in the handling of anti-hog-cholera serum and hog-cholera virus only with respect to such handling as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such serum and virus. Such persons are hereafter in this Act referred to as "handlers." The making of any such agreement shall not be held to be in violation of any of the antitrust laws of the United States, and any such agreement shall be deemed to be lawful. (Aug. 24, 1935, sec. 57, Public 320, 74th Cong.)

**704. Same; terms and conditions required.**—Marketing agreements entered into pursuant to section 57 of this Act shall contain such one or more of the following terms and conditions and no others

as the Secretary finds, upon the basis of the hearing, provided for in section 57, will tend to effectuate the policy declared in section 56 of this Act:

(a) One or more of the terms and conditions specified in subsection (7) of section 8c of the Agricultural Adjustment Act, as amended.

(b) Terms and conditions requiring each manufacturer to have available on May 1 of each year a supply of completed serum equivalent to not less than 40 per centum of his previous year's sales. (Aug. 24, 1935, sec. 58, Public 320, 74th Cong.)

**705. Secretary of Agriculture authorized to issue order regulating handling of serum and virus.**—Whenever all the handlers of not less than 75 per centum of the volume of anti-hog-cholera serum and hog-cholera virus which is handled in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce, have signed a marketing agreement entered into with the Secretary of Agriculture pursuant to section 57 of this Act, the Secretary of Agriculture shall issue an order which shall regulate only such handling in the same manner as, and contain only such terms and conditions as are contained in such marketing agreement, and shall from time to time amend such order in conformance with amendments to such marketing agreement. Such order shall terminate upon termination of such marketing agreement as provided in such marketing agreement. (Aug. 24, 1935, sec. 59, Public 320, 74th Cong.)

**706. Other laws applicable.**—Subject to the policy declared in section 56 of this act, the provisions of subsections (6), (7), (8), and (9) of section 8a and of subsections (14) and (15) of section 8c of the Agricultural Adjustment Act, as amended, are hereby made applicable in connection with orders issued pursuant to section 59 of this Act, and the provisions of section 8d of the Agricultural Adjustment Act, as amended, are hereby made applicable in connection with marketing agreements entered into pursuant to section 57 and orders issued pursuant to section 59 of this Act. The provisions of subsections (a), (b) (2), (c), (f), (h), and (i) of section 10 of the Agricultural Adjustment Act, as amended, are hereby made applicable in connection with the administration of sections 56 to 60, inclusive of this Act. (Aug. 24, 1935, sec. 60, Public, 320, 74th Cong.)

## CONSERVATION

### NATIONAL PARKS, MILITARY PARKS, AND MONUMENTS

**707. Secretary of Agriculture to cooperate with National Park Service in supervision of national monuments contiguous to national forests.**—That in the supervision, management, and control of national monuments contiguous to national forests the Secretary of Agriculture may cooperate with said National Park Service to such extent as may be requested by the Secretary of the Interior. (Aug. 25, 1916, sec. 2, 39 Stat. 535; 16 U. S. C., sec. 2.)

**708. National park approach roads, designation.**—Whenever the Secretary of the Interior shall determine it to be in the public interest he may designate as national-park approach roads and as supplementary parts of the highway systems of any of the national parks roads whose primary value is to carry national-park travel and

which lead across lands wholly or to the extent of 90 per centum owned by the Government of the United States and which will connect the highways within a national park with a convenient point on or leading to the Federal 7 per centum highway system: *Provided*, That such approach roads so designated shall be limited to not to exceed sixty miles in length between a park gateway and such point on or leading to the nearest convenient 7 per centum system road; or, if such approach road is on the 7 per centum system, it shall be limited to not to exceed thirty miles: *Provided further*, That not to exceed forty miles of any one approach road shall be designated in any one county. (Jan. 31, 1931, sec. 4, 46 Stat. 1053; 16 U. S. C., sec. 8a.)

**709. Construction, improvement, maintenance, appropriation.**—The Secretary of the Interior is hereby authorized during the fiscal years 1932 and 1933 to construct, reconstruct, and improve such national-park approach roads so designated, inclusive of necessary bridges, and to enter into agreements for the maintenance thereof by State or county authorities, or to maintain them when otherwise necessary, as well as hereafter to construct, reconstruct, and improve roads and trails within the national parks and national monuments; and for all such purposes there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums: \$7,500,000 for the fiscal year ending June 30, 1932; the sum of \$7,500,000 for the fiscal year ending June 30, 1933: *Provided*, That under agreement with the Secretary of the Interior the Secretary of Agriculture may carry out any or all of the provisions of this section: *Provided, further*, That not to exceed \$1,500,000 shall be allocated annually for the construction, reconstruction, and improvement of such national park approach roads: *And provided further*, That nothing in this act shall be construed to limit the authority of the Secretary of the Interior to hereafter construct, reconstruct, improve, and maintain roads and trails within the national parks and national monuments. (Jan. 31, 1931, sec. 5, 46 Stat. 1053; 16 U. S. C., sec. 8b.)

**710. Approval of Secretary of Agriculture.**—Whenever any such approach road is proposed under the terms of this act across or within any national forest the Secretary of the Interior shall secure the approval of the Secretary of Agriculture before construction shall begin. (Jan. 31, 1931, sec. 6, 46 Stat. 1054; 16 U. S. C., sec. 8c.)

**711. Yellowstone National Park; revision of boundaries; contiguous national forests; jurisdiction of forests, roads, hotels, and camps.**—That the boundary of the Yellowstone National Park is hereby changed so as to read as follows:

“Beginning on the present north boundary line of Yellowstone National Park at its intersection with the hydrographic divide immediately north of Pebble Creek, approximately at park boundary monument 29 east; thence following said divide around the head of the drainage of Pebble Creek to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 54 north; thence southerly along said boundary line to its intersection with the hydrographic divide between Soda Butte and Cache Creeks, at a point near park boundary monument 51 north; thence easterly along said hydrographic divide to its intersection with the crest of the Absaroka Range; thence southerly

along said crest to its intersection with the main hydrographic divide between Little Lamar River and the North Fork of Shoshone River, passing over Republic and Hoodoo Peaks; thence westerly along said divide passing over Notch Mountain to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 26 north; thence continuing westerly along said divide, now between the headwaters of Lamar River and Jones Creek; headwaters of Sedge, Bear, Cub, and Clear Creeks, and the headwaters of Jones and Crow Creeks, and between Crow Creek and Middle Creek, to its intersection with the present east boundary line of Yellowstone National Park, approximately at park boundary monument 18 north, passing over Pyramid and Cathedral Peaks, Mount Chittenden, and Avalanche Peak, thence southerly along said boundary line to its intersection with the hydrographic divide immediately south of Middle Creek, approximately at park boundary monument 15 north; thence westerly along said divide, now between a southern tributary of Middle Creek, headwaters of Beaverdam, Trappers, and Mountain Creeks, and the headwaters of Canfield and Eagle Creeks, to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 5 north, passing over Reservation and Atkins Peaks, Mount Schurz, Mount Humphreys, and Eagle Peak; and

"Beginning on the present west boundary line of Yellowstone National Park at its intersection with the left bank of Gallatin River between park monuments 45 and 46 north; thence northwesterly along said bank to a point opposite the hydrographic divide between Daly and Tepee Creeks; thence northeasterly across the Gallatin River and along said divide, around the headwaters of Daly, Black Butte, Specimen, and Fan Creeks, to the intersection of said divide with the present north boundary line of Yellowstone National Park, at a point near park boundary monument 11 west.

"All of those lands lying within the boundary lines above described and the present north, east, and west boundary lines are hereby included in and made a part of the Yellowstone National Park; and all of those lands of the present Yellowstone National Park excluded from the park are hereby included in and made a part of the contiguous national forests subject to all laws and regulations applicable to national forests, and upon acceptance thereof by appropriate action of the State, jurisdiction for all purposes whatsoever shall be, and is hereby, ceded over the land hereby excluded from the park to the State of Wyoming." (Mar. 1, 1929, sec. 1, 45 Stat. 1435; Apr. 19, 1930, 45 Stat. 220; 16 U. S. C., sec. 21a.)

**712. Yellowstone National Park; provision of feed and range facilities for game animals.**—That as a means of providing within township 8 south, ranges 7 and 8 east, and township 9 south, ranges 7, 8, and 9 east, Montana principal meridian, the winter range and winter feed facilities indispensable for the adequate and proper protection, preservation, and propagation of the elk, antelope, and other game animals of the Yellowstone National Park and adjacent lands, the Secretary of the Interior, in his discretion, and subject to the limitation herein-after prescribed may, and is hereby, authorized to perform the following acts:

(a) Accept and deposit in a special fund in the Treasury, and expend for the acquisition of lands as herein authorized, private funds donated for such purpose.

(b) Acquire by purchase, or by acceptance of donations or bequests, such lands in private or State ownership within the townships above described as he may deem necessary to carry out the purpose of this Act [16 U. S. C., secs. 37-40]. (May 26, 1926, sec. 1, 44 Stat. 655; 16 U. S. C., sec. 37.)

**713. Exchange for State or private lands.**—That the Secretary of the Interior be, and is hereby authorized in his discretion to accept, on behalf of the United States, title to any lands held in private or State ownership within the townships hereinabove described, and in exchange therefor may patent not to exceed an equal value of national forest land in the State of Montana, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove not to exceed an equal value of timber within the national forests of said State, the values in each case to be determined by the Secretary of the Interior and the Secretary of Agriculture jointly: *Provided*, That before any such exchange is effected, notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in exchange shall be cut and removed from national forests under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. (May 26, 1926, sec. 2, 44 Stat. 655; 16 U. S. C., sec. 38.)

**714. Reservation of timber, minerals, or easements by owners on exchange.**—That reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the lands conveyed, may be made by the owner or owners thereof in lands conveyed to the United States under the provisions of this Act [16 U. S. C., secs. 37-40]. Where such reservations are made, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior or the Secretary of Agriculture, whichever may be responsible for the handling and use of the land as provided in this Act: *Provided*, That all property rights, easements, and benefits authorized by this section to be retained by or reserved to owners of land conveyed to the United States shall be subject to the tax laws of the States where such lands are located. (May 26, 1926, sec. 3, 44 Stat. 656; 16 U. S. C., sec. 39.)

**715. Additions to Yellowstone National Park; entry under other acts.**—That the President of the United States is hereby authorized, in his discretion, to add by Executive proclamation to Yellowstone National Park any or all of the lands within a certain territory or tract in township 9 south, ranges 7 and 8 east, Montana principal meridian, to wit: Beginning at a point on the north line of said Yellowstone National Park where said line crosses the divide between Reese Creek and Mol Heron Creek, thence northeasterly along said divide to the junction of said divide with the branch divide

north and west of Reese Creek; thence along said branch divide in a northeasterly and easterly direction around the drainage of Reese Creek, to the Yellowstone River; thence southerly and south-easterly along the west bank of the Yellowstone River to the line marking the western limits of the town of Gardiner, Montana; thence south on said town limits line to the northern boundary of Yellowstone National Park; thence west along the north boundary of Yellowstone National Park to the point of beginning, which are unappropriated lands of the United States or which may be acquired by the United States under the provisions of this Act [16 U. S. C., secs. 37-40], within the territory described in this section, subject, however, to all valid existing claims and to reservations such as are authorized by section 3 of this Act [16 U. S. C., sec. 39]; but, with the exception of valid existing claims, no land so added to Yellowstone National Park shall be subject to entry under the mining laws of the United States: *Provided*, That the Secretary of the Interior for such lands as are added to Yellowstone National Park may provide by rules and regulations for the management and use of the added lands as may in his discretion be necessary to accomplish the purposes of this Act: *And provided further*, That the lands of the United States acquired by donation or purchase within the area described in section 1 of this Act shall not be subject to location and entry under the mining laws of the United States nor the Act of June 11, 1906, authorizing homestead entries in national forests [16 U. S. C., secs. 506-509]. (May 26, 1926, sec. 6, 44 Stat. 656; 16 U. S. C., sec. 40.)

716. Lands in California reserved and set apart as forest lands.—That the tracts of land in the State of California known as [and] described as follows: Commencing at the northwest corner of township two north, range nineteen east Mount Diablo meridian, thence eastwardly on the line between townships two and three north, ranges twenty-four and twenty-five east; thence southwardly on the line between ranges twenty-four and twenty-five east to the Mount Diablo base line; thence eastwardly on said base line to the corner to township one south, ranges twenty-five and twenty-six east; thence southwardly on the line between ranges twenty-five and twenty-six east to the southeast corner of township two south, range twenty-five east; thence eastwardly on the line between townships two and three south, range twenty-six east to the corner to townships two and three south, ranges twenty-six and twenty-seven east; thence southwardly on the line between ranges twenty-six and twenty-seven east to the first standard parallel south; thence westwardly on the first standard parallel south to the southwest corner of township four south, range nineteen east; thence northwardly on the line between ranges eighteen and nineteen east to the northwest corner of township two south, range nineteen east; thence westwardly on the line between townships one and two south to the southwest corner of township one south, range nineteen east; thence northwardly on the line between ranges eighteen and nineteen east to the northwest corner of township two north, range nineteen east, the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands; and all persons who shall locate or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered tres-

passers and removed therefrom: *Provided, however,* That nothing in this act [16 U. S. C. secs. 44, 45, 55, 61] shall be construed as in anywise affecting the grant of lands made to the State of California by virtue of the act entitled "An act authorizing a grant to the State of California of the Yosemite Valley, and of the land embracing the Mariposa Big-Tree Grove", approved June thirtieth, eighteen hundred and sixty-four; or as affecting any bona-fide entry of land made within the limits above described under any law of the United States prior to the approval of this act [16 U. S. C., secs. 44, 45, 55, 61]. (Oct. 1, 1890, sec. 1, 26 Stat. 650; 16 U. S. C., sec. 44.)

717. Additional forest reserves in California.—There shall also be and is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and shall be set apart as reserved forest lands, as hereinbefore provided, and subject to all the limitations and provisions herein contained, the following additional lands, to wit: Township seventeen south, range thirty east of the Mount Diablo meridian, excepting sections thirty-one, thirty-two, thirty-three, and thirty-four of said township, included in a previous bill. And there is also reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as forest lands, subject to like limitations, conditions and provisions, all of townships fifteen and sixteen south, of ranges twenty-nine and thirty east of the Mount Diablo meridian. And there is also hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands under like limitations, restrictions, and provisions, Sections five and six in township fourteen south, range twenty-eight, east of Mount Diablo meridian, and also Sections thirty-one and thirty-two of township thirteen south, range twenty-eight east of the same meridian. Nothing in this act shall authorize rules or contracts touching the protection and improvement of said reservations, beyond the sums that may be received by the Secretary of the Interior under the foregoing provisions, or authorize any charge against the Treasury of the United States. (Oct. 1, 1890, sec. 3, 26 Stat. 651; 16 U. S. C., sec. 45.)

718. Sequoia National Park; boundaries changed; certain lands included in Sequoia National Forest.—That the boundaries of the Sequoia National Park, California, are hereby changed as follows:

Beginning at the southwest corner of the present boundary of Sequoia National Park, being the southwest corner of township 18 south, range 30 east of the Mount Diablo base and meridian, California, thence easterly along the present south boundary of Sequoia National Park to its intersection with the hydrographic divide between the headwaters of South Fort Kaweah River and the headwaters of that branch of Little Kern River known as Pecks Canyon; thence southerly and easterly along the crest of the hydrographic divide between Pecks Canyon and Soda Creek to its intersection with a lateral divide at approximately the east line of section 2, township 19 south, range 31 east; thence northeasterly along said lateral divide to its intersection with the township line near the southeast corner of township 18 south, range 31 east of the Mount Diablo base and meridian; thence north approximately thirty-five degrees west to the summit of the butte next north of Soda Creek (United States Geological Survey altitude eight thousand eight hundred and eighty-eight

feet); thence northerly and northwesterly along the crest of the hydrographic divide to a junction with the crest of the main hydrographic divide between the headwaters of the South Fork of the Kaweah River and the headwaters of Little Kern River; thence northerly along said divide now between Horse and Cow Creeks and the headwaters of East Fork Kaweah River to its intersection with the present east boundary of Sequoia National Park, approximately at Tar Gap, being the east line of township 17 south, range 30 east; thence northerly along said line to its intersection with the main hydrographic divide north of East Fork Kaweah River; thence easterly following said divide, passing through Timber Gap to the summit of Sawtooth Peak; thence southeasterly along the crest of the Great Western Divide to the summit of Coyote Peaks (United States Geological Survey bench mark, altitude ten thousand nine hundred and nineteen feet); thence northeasterly following the main hydrographic divide south of Coyote Creek to the junction of Coyote Creek and Kern River; thence due east across Kern River to the east bank; thence following said east bank of Kern River northerly to the junction of Golden Trout Creek and Kern River; thence northeasterly following the main hydrographic divide north of Golden Trout Creek, and between the headwaters of Golden Trout Creek and Rock Creek to a junction with the main crest of the Sierra Nevada, northwest of Cirque Peak; thence northerly and westerly along said main crest of the Sierra Nevada to Junction Peak (United States Geological Survey bench mark thirteen thousand nine hundred and three feet); thence westerly along the crest of the Kings-Kern Divide to a junction with the crest of the Great Western Divide at Thunder Mountain (United States Geological Survey bench mark thirteen thousand five hundred and seventy-eight feet); thence southwesterly along the crest of the Great Western Divide to Triple Divide Peak (United States Geological Survey altitude twelve thousand six hundred and fifty-one feet); thence westerly and northwesterly along the crest of the hydrographic divide between the headwaters of Roaring River and the headwaters of the Middle and Marble Forks of the Keaweah River to Kettle Peak (United States Geological Survey altitude ten thousand and thirty-eight feet); thence westerly and southwesterly along the crest of the main hydrographic divide next north of Clover Creek and Dorst Creek to the junction of Stony Creek and Dorst Creek; thence following the west bank of the North Fork Kaweah River to its junction with Cactus Creek; thence easterly along the first hydrographic divide south of Cactus Creek to its intersection with the present west boundary of Sequoia National Park, being the west line of township 16 south, range 29 east; thence southerly along said west boundary to the southwest corner of said township; thence easterly along the present boundary of Sequoia National Park, being the north line of township 17 south, range 29 east, to the northeast corner of said township; thence southerly along the present boundary of Sequoia National Park, being the west lines of townships 17 and 18 south, range 30 east, to the place of beginning; and all of those lands lying within the boundary line above described are hereby included in and made a part of the Roosevelt-Sequoia National Park; and all of those lands excluded from the present Sequoia National Park are hereby included in and made a part of the Sequoia National Forest,

subject to all laws and regulations applicable to the national forests.  
(July 3, 1926, sec. 1, 44 Stat. 818; 16 U. S. C., sec. 45a.)

**719. Yosemite National Park lands segregated from and included in Sierra National Forest.**—That the tracts of land in the State of California known and described as follows: Beginning at the point where the middle of the channel of the South Fork of the Merced River intersects the line between sections three and four, township four south, range twenty east, Mount Diablo base and meridian; thence northerly along section lines through the middle of townships three and four south, range twenty east, to the northwest corner of section three, township three south, range twenty east; thence westerly along township line to the southwest corner of section thirty-three, township two south, range twenty east; thence northerly along section lines to the northwest corner of section twenty-one, said township; thence westerly along section lines to the southwest corner of section eighteen, said township; thence southerly along range line to the southeast corner of the northeast quarter of section twenty-four, township two south, range nineteen east; thence westerly to the southwest corner of the northeast quarter of section twenty-four, said township; thence southerly to the southeast corner of the southwest quarter of section twenty-four, said township; thence westerly along section lines to the southwest corner of section twenty-three, said township; thence northerly along section lines to the northwest corner of section thirteen, said township; thence easterly along section line to the northeast corner of section thirteen, said township; thence northerly along range line to the northwest corner of the southwest quarter of section seven, township two south, range twenty east; thence easterly to the northeast corner of the southeast quarter of section seven, said township; thence southerly along section line to the northwest corner of section seventeen, said township; thence easterly along section lines to the northeast corner of section sixteen, said township; thence northerly along section lines to the northwest corner of section three, said township; thence westerly along township line to the southwest corner of section thirty-three, township one south, range twenty east; thence northerly along section lines to the northwest corner of section twenty-one, said township; thence westerly along section lines to the southwest corner of section eighteen, said township; thence northerly along range line to the northwest corner of section six, said township; thence westerly along Mount Diablo base line to the southwest corner of section thirty-four, township one north, range nineteen east; thence northwardly along section lines through the middle of townships one and two north, range nineteen east, to the point of intersection with the summit of the divide between Cherry Creek on the west and Eleanor and Fall creeks on the east; thence along the summit of said divide in a northeasterly direction to the summit of the Sierra Nevada Mountains; thence southeasterly along the summit of the Sierra Nevada Mountains to the divide between the Merced and San Joaquin rivers; thence southwesterly along said divide to the point of intersection with the south boundary of township four south, range

twenty-three east, Mount Diablo base and meridian; thence westerly along township line to the point of intersection with the middle of the channel of the South Fork of the Merced River; thence westerly down the middle of said river to the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands, subject to all the provisions of the Act of Congress approved October first, eighteen hundred and ninety, entitled "An Act to set apart certain tracts of land in the State of California as forest reservations" [16 U. S. C., secs. 44, 45, 61]: *Provided*, That all those tracts or parcels of land described in section one of the said Act of October first, eighteen hundred and ninety, and not included within the metes and bounds of the land above described, be, and the same are hereby, included in and made part of the Sierra National Forest: *And provided further*, That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra National Forest Reserve accorded under the Act approved February fifteenth, nineteen hundred and one [16 U. S. C., secs. 79, 419, 522], relating to rights-of-way over certain parks, reservations, and other lands, and other acts concerning rights-of-way over public lands; and the moneys received from the privileges accorded on the lands herein segregated and included in the Sierra National Forest shall be paid into the Treasury of the United States, to be expended, under the direction of the Secretary of the Interior, in the management, improvement, and protection of the forest lands herein set aside and reserved, which shall hereafter be known as the "Yosemite National Park." (Feb. 7, 1905, sec. 1, 33 Stat. 702; 16 U. S. C., sec. 46.)

720. Additional lands excluded from Yosemite National Park and added to Sierra National Forest.—That the recession and regranting unto the United States by the State of California of the cleft or gorge in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, State of California, and the headwaters of the Merced River, and known as the Yosemite Valley, with its branches or spurs, granted unto the State of California in trust for public use, resort, and recreation by the Act of Congress entitled "An Act authorizing a grant to the State of California of the Yosemite Valley and of the land embracing the Mariposa Big Tree Grove", approved June thirtieth, eighteen hundred and sixty-four (Thirteenth Statutes, page three hundred and twenty-five), as well as the tracts embracing what is known as the "Mariposa Big Tree Grove", likewise granted unto the State of California by the aforesaid Act of Congress, is hereby ratified and accepted, and the tracts of land embracing the Yosemite Valley and the Mariposa Big Tree Grove, as described in the Act of Congress approved June thirtieth, eighteen hundred and sixty-four, together with that part of fractional sections five and six, township five south, range twenty-two east, Mount Diablo meridian, California, lying south of the South Fork of Merced River and almost wholly between the Mariposa Big Tree Grove and the present south boundary of the Yosemite National Park, be, and the same are hereby, reserved and withdrawn from settlement, occupancy, or sale under the laws of the

United States and set apart as a national forest, subject to all the limitations, conditions, and provisions of the Act of Congress approved October first, eighteen hundred and ninety, entitled "An Act to set apart certain tracts of land in the State of California as forest reservation", as well as the limitations, conditions, and provisions of the Act of Congress approved February seventh, nineteen hundred and five, entitled "An Act to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve", and shall hereafter form a part of the Yosemite National Park.

The south and west boundary lines of the Yosemite National Park are hereby changed as follows: Beginning at the point on the line between sections thirty-five and thirty-six, township four south, range twenty-one east, where same intersects the middle of the channel of the South Fork of the Merced River; thence north on section line to the southwest corner of section twenty-five; thence west on section lines to the southwest corner of section twenty-eight; thence north on section line to the northwest corner of section twenty-eight; thence west on section line to the quarter-section corner between sections twenty and twenty-nine; thence north through the middle of section twenty to the center thereof; thence east through the middle of section twenty to the quarter-section corner between sections twenty and twenty-one; thence north on section line to the quarter-section corner between sections sixteen and seventeen; thence west through middle of section seventeen to the center thereof; thence north through the middle of sections seventeen, eight, and five to the quarter-section corner of north boundary of section five on township boundary, all in township four south, range twenty-one east; thence north through the middle of section thirty-two, township three south, range twenty-one east, to the center thereof; thence west through the middle of section thirty-two, said township, and section thirty-six, township three south, range twenty east, to the quarter-section corner between sections thirty-five and thirty-six; thence north on section line to the quarter-section corner between sections twenty-five and twenty-six; thence east through the middle of section twenty-five to the center thereof; thence north through the middle of sections twenty-five and twenty-four to the center of section twenty-four; thence west through the middle of sections twenty-four, twenty-three, and twenty-two to the quarter-section corner between sections twenty-one and twenty-two, township three south, range twenty east, on the present western boundary of the Yosemite National Park. And all that portion of the Yosemite National Park lying between the boundary line last above mentioned and the present boundary line of said national park is excluded from said park; and the said lands so excluded, and all thereof, are added to and made a part of the Sierra National Forest, and shall hereafter form a part of said Sierra National Forest, and shall be subject to all of the Acts of Congress with relation thereto: *Provided*, That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra National Forest accorded under the Act approved

February fifteenth, nineteen hundred and one [16 U. S. C., secs. 79, 419, 522], relating to rights-of-way over certain parks, reservations and other lands, and other Acts concerning rights-of-way over public lands: *And provided further*, That in the grant of any right-of-way for railway purposes across the lands placed under this measure within the Sierra National Forest it shall be stipulated that no logs or timber shall be hauled over the same without the consent of the Secretary of the Interior, and under regulations to be promulgated by him. (June 11, 1906, sec. 1, 34 Stat. 831; 16 U. S. C., secs. 47, 48.)

721. Rights of claimants and owners of lands included; laws applicable.—That none of the lands patented and in private ownership in the area hereby included in the Sierra National Forest [16 U. S. C., secs. 46, 47] shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the national forests, and immediately upon the passage of this Act all laws, rules, and regulations affecting national forests, including the right to change the boundaries thereof by Executive proclamation shall take effect and be in force within the limits of the territory excluded by this Act from the Yosemite National Park, except as herein otherwise provided. (Feb. 7, 1905, 33 Stat. 703; June 11, 1906, sec. 2, 34 Stat. 832; 16 U. S. C., sec. 49.)

722. Yosemite National Park; addition of land.—That for the purpose of preserving and consolidating timber stands along the western boundary of the Yosemite National Park the President of the United States is hereby authorized, upon the joint recommendation of the Secretaries of Interior and Agriculture, to add to the Yosemite National Park, in the State of California, by Executive proclamation, section 1 and the north half of section 12, township 1 south, range 19 east, Mount Diablo meridian. (May 9, 1930, sec. 1, 46 Stat. 265; 16 U. S. C., sec. 47a.)

723. Yosemite National Park; exchange of privately owned lands.—That the Secretaries of the Departments of Interior and Agriculture, for the purpose of eliminating private holdings within the Yosemite National Park and to preserve intact timber along and adjoining the roads in the scenic portion of the park on patented lands, are hereby empowered in their discretion to obtain and accept for the United States a complete title to any and all patented lands within the boundaries of said park by the exchange of timber or timber and lands within the Yosemite National Park and the Sierra and Stanislaus National Forests for such lands and the timber thereon within the park, necessary conveyances of park and national forest timber or timber and lands to be made by said secretaries, respectively. That the secretaries of the said departments may, and are hereby authorized to, acquire title in fee by the exchange of lands of the United States for patented lands not exceeding six hundred and forty acres in the Sierra and Stanislaus National Forests, adjacent and contiguous to the Yosemite National Park, and when such patented lands are thus acquired, said lands shall become a part of the Yosemite National Park and be subject to all the provisions of the Act of October first, eighteen hundred and ninety, entitled "An Act to set apart certain tracts of land in the State of California as forest reservations."

[16 U. S. C., secs. 44, 45, 55, 61]. (Apr. 9, 1912, sec. 1, 37 Stat. 80; Apr. 16, 1914, 38 Stat. 345; 16 U. S. C., sec. 51.)

**724.** Same; value of land and timber to be exchanged; lands added to park.—That the value of patented lands within the park offered in exchange, and the value of the timber on park lands proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior may, in his discretion, direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands, and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange, and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in the exchange such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and shall be deposited and covered into the Treasury as miscellaneous receipts. The same course shall be pursued in relation to exchange for timber standing near public roads on patented lands for timber to be exchanged on park lands: *Provided*, That the lands conveyed to the Government under this Act [16 U. S. C., secs. 51, 52] shall become a part of the Yosemite National Park. (Apr. 9, 1912, sec. 2, 37 Stat. 80; 16 U. S. C., sec. 52.)

**725.** Same; cutting and removal of timber.—That all timber must be cut and removed from the park under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of the patented lands, and bond satisfactory to the Secretary of the Interior must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior. (Apr. 9, 1912, sec. 3, 37 Stat. 81; 16 U. S. C., sec. 53.)

**726.** Same; sale of matured, dead, or down timber.—That the Secretary of the Interior may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and the proceeds derived therefrom shall be deposited and covered into the Treasury as miscellaneous receipts. (Apr. 9, 1912, sec. 4, 37 Stat. 81; 16 U. S. C., sec. 54.)

**727.** Same; leases of land in; mortgages by lessees.—The Secretary of the Interior is authorized and empowered to grant leases, for periods of not exceeding twenty years, at annual rentals, and under terms and conditions to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yosemite National Park, for separate tracts of land, not exceeding twenty acres each, at such places, not to exceed ten in number, to any person, corporation, or company in said park, as the comfort and convenience of visitors may require, for the construction and maintenance of substantial hotel buildings and buildings for the protection of motor cars, stages, stock and equipment, and so forth. Such leases may, at the option of the Secretary of the Interior, contain appropriate provisions for the appraisement, at the expiration of the lease, of the value of such hotel and other buildings (or portions thereof) as may be constructed by the lessees, respectively, and the payment of the

same to the lessees in case a new lease be made to persons other than said lessees, such payments to be made by such new lessees, respectively.

Any person or corporation or company holding a lease or leases within said park for the purposes above described is authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights and properties, including his or its contract or contracts with the Secretary of the Interior; such mortgages shall be executed in duplicate and delivered to the Secretary of the Interior for his approval, and upon his approval thereof he shall retain one of said duplicates and file the same for record in his office.

Any mortgage, lien, or encumbrance created under the provisions hereof shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor. (Oct. 1, 1890, § 2, 26 Stat. 651; July 23, 1914, 38 Stat. 554; June 12, 1917, § 1, 40 Stat. 153; 16 U. S. C., sec. 55.)

**728. Same; rules and regulations.**—That said reservation shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities, or wonders within said reservation, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years of small parcels of ground not exceeding five acres; at such places in said reservation as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases and other revenues that may be derived from any source connected with said reservation to be expended under his direction in the management of the same and the construction of roads and paths therein. He shall provide against the wanton destruction of the fish and game found within said reservation, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act. (Oct. 1, 1890, sec. 2, 26 Stat. 651; 16 U. S. C., sec. 61.)

**729. Rainier National Forest; lands excluded.**—That the tract of land within the following-described boundaries be, and the same is hereby, excluded from the Rainier National Forest and is hereby added to and made a part of the Mount Rainier National Park, in the State of Washington:

Beginning at a point on the present east boundary of Mount Rainier National Park one and one-quarter miles southerly from the northeast corner of the said park as fixed by the act of May 28, 1926 (44 Stat. 668); thence extending east to the summit of the hydrographic divide between Silver Creek and White River; thence along the summit of Crystal Mountain to the summit of the Cascade Mountains; thence southerly along the summit of the Cascade

Mountains to a point in section 20, township 15 north, range 11 east, Willamette meridian, whence flow the waters of Bumping River to the east and Carlton and Cougar Creeks to the south and west; thence southwesterly along the summit of the divide between Carlton Creek and the waters flowing into the main fork of Ohanapecosh River to the quarter section line of section 9, township 14 north, range 10 east, Willamette meridian; thence westerly along the quarter section line of sections 9, 8, and 7 to the west boundary of said township; thence due west to the right or west bank of Muddy Fork of the Cowlitz River; thence northerly along the right bank of said Muddy Fork to a point exactly due east of post numbered 34 on the south boundary of Mount Rainier National Park as surveyed in 1908; thence due west to said post numbered 34; thence along the boundary of said park as surveyed in 1908 to post numbered 35; thence easterly along the south boundary of said national park as surveyed in 1908 to the southeast corner thereof; thence northerly along the east boundary of said national park as surveyed in 1908 to post numbered 59; thence along the east boundary of said park as revised by the act of May 28, 1928, supra, northerly to the point of beginning. (Jan. 31, 1931, sec. 1, 46 Stat. 1047; 16 U. S. C. sec. 109.)

**730. Crater National Forest; lands excluded.**—That all of that certain tract described as follows: Beginning on the south boundary line of Crater Lake National Park at four mile post numbered 112; thence west along the south boundary line of said park four and twenty-six one-hundredths chains which is the northwest corner of this tract; thence south one hundred and fourteen and forty-two one-hundredths chains; thence south forty degrees fifty-nine minutes east, eighty-four and thirty-nine one-hundredths chains; thence east fifteen and thirteen one-hundredths chains to highway stake numbered 130; thence north eighty-nine degrees thirty minutes east, eighteen and six one-hundredths chains; thence north twenty and eighty-three one-hundredths chains; thence north nineteen degrees and forty minutes west, one hundred and twenty-six and four one-hundredths chains; thence north twenty-seven degrees fifty-two minutes west forty-three and fifty one-hundredths chains to the south boundary of Crater Lake National Park; thence west twenty-four chains following the south boundary of said park to the place of beginning, in the State of Oregon be, and the same is hereby, excluded from the Crater National Forest and made a part of the Crater Lake National Park subject to all laws and regulations applicable to and governing said park. (May 14, 1932, 47 Stat. 155; 16 U. S. C., sec. 121a.)

**731. Harney National Forest; lands excluded.**—That the boundaries of Wind Cave National Park in the State of South Dakota are hereby extended to include the lands within the east half of the southwest quarter, southeast quarter section 26, south half of section 25, east half of section 33, township 5 south, range 5 east, and south half section 30, township 5 south, range 6 east, Black Hills meridian, South Dakota, comprising in part a part of the Harney National Forest. Such lands are hereby made a part of Wind Cave National Park, and shall hereafter be subject to all laws and regulations applicable to such park. (Mar. 4, 1931, 46 Stat. 1518; 16 U. S. C., sec. 141a.)

**732. Rocky Mountain National Park; excluded lands transferred.**—That those portions of the following described lands that are hereby excluded from the Rocky Mountain National Park, are hereby transferred to and made a part of the Colorado National Forest, subject to all laws and regulations applicable to National Forests; the northwest quarter of the northeast quarter and northeast quarter of the northwest quarter, section 33, township 7 north, range 74 west; section 6, township 5 north, range 72 west; the southeast quarter of the southeast quarter of section 34 township 5 north, range 73 west; sections 3, 10, and 15, township 4 north, range 73 west. (June 9, 1926, sec. 1, 44 Stat. 714; 16 U. S. C., sec. 192a.)

**733. Bryce Canyon National Park; additions.**—That for the purpose of preserving in their natural state the outstanding scenic features thereon and for the purpose of rounding out the boundary of the Bryce Canyon National Park, the President of the United States be, and he is hereby, authorized, upon the joint recommendation of the Secretaries of Interior and of Agriculture, to add to said park by Executive proclamation any or all of the following-described lands in the State of Utah, which shall thereupon become and be a part of said park subject to all laws and regulations applicable thereto, to wit: South half southwest quarter section 2, south half south half section 3, southeast quarter southeast quarter section 4, east half section 8, sections 9, 10, west half section 11, west half section 14, sections 15, 16, east half northeast quarter northwest quarter, east half northwest quarter northwest quarter, north half southeast quarter northwest quarter, south half northeast quarter southwest quarter, north half south half southeast quarter northwest quarter and north half southeast quarter southwest quarter section 17, south half south half section 19, south half northwest quarter section 20, west half west half east half and northeast quarter northeast quarter section 22, north half northwest quarter section 23, west half section 27, and north half northwest quarter section 34, township 36 south, range 3 west; lots 3 and 4, south half northwest quarter section 4, northeast quarter north east quarter and southeast quarter southeast quarter section 8, township 37 south, range 3 west; west half east half and southwest quarter section 25, unsurveyed township 36 south, range 4 west; lots 3 and 4, south half west half section 3, lots 1, 2, 3, and 4 and south half section 4, and lots 1 and 2 and south half east half section 5, township 39 south, range 4 west, Salt Lake meridian: *Provided*, That nothing herein shall affect any valid existing claims upon the lands herein authorized to be added to the park or the rights of stockmen to continue to drive stock over the lands now under an existing stock drive-way withdrawal. (Feb. 17, 1931, sec. 1, 46 Stat. 1166; 16 U. S. C., sec. 402f.)

**734. Powell National Forest; addition of land.**—That the following-described lands are hereby eliminated from the Bryce Canyon National Park and shall hereafter be included in and become a part of the Powell National Forest, subject to all laws and regulations applicable thereto, to wit: Section 30, township 37 south, range 3 west; section 25, unsurveyed township 37 south, range 4 west, Salt Lake meridian. (Feb. 17, 1931, sec. 2, 46 Stat. 1167; 16 U. S. C., sec. 402g.)

**735. Powell National Forest; land excluded from and added to Bryce Canyon National Park.**—That the east half east half section 25, township 36 south, range 4 west; the east half southwest quarter section

20, and all of sections 21, 29, and 30, township 36 south, range 3 west; all of sections 24 and 25, township 37 south, range 4 west; and all of sections 19 and 30, township 37 south, range 3 west, Salt Lake meridian, be, and the same are hereby, excluded from the Powell National Forest and made a part of the Bryce Canyon National Park, subject to the provisions of the aforesaid Act of Congress approved June 7, 1924 [16 U. S. C., secs. 401, 402]. (Feb. 25, 1928, sec. 2, 45 Stat. 147; 16 U. S. C., sec. 402b.)

**736. American antiquities.**—That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court. (June 8, 1906, sec. 1, 34 Stat. 225; 16 U. S. C., sec. 433.)

**737. National monuments; reservation of land; private claims.**—That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided*, That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States. (June 8, 1906, sec. 2, 34 Stat. 225; 16 U. S. C., sec. 431.)

**738. Permits for examination of ruins.**—That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums. (June 8, 1906, sec. 3, 34 Stat. 225; 16 U. S. C., sec. 432.)

**739. Regulations.**—That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act. [16 U. S. C., secs. 431-433]. (June 8, 1906, sec. 4, 34 Stat. 225; 16 U. S. C., sec. 432.)

## NATIONAL FORESTS

**740. National forests; establishment; limitations on additions in certain States.**—That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as national forests, and the President shall, by public proclamation, declare the establishment of such national forests and the limits thereof. (Mar. 3, 1891, sec. 24, 26 Stat. 1103; 16 U. S. C., sec. 471.)

That hereafter no national forest shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of California, Oregon, Washington, Idaho, Montana, Colorado, Wyoming, New Mexico, or Arizona, except by Act of Congress. (Mar. 4, 1907, 34 Stat. 1271; June 25, 1910, 36 Stat. 848; Aug. 24, 1912, 37 Stat. 497; June 15, 1926, 44 Stat. 745; 16 U. S. C., sec. 471 (a).)

**741. Lands suitable for production of timber; moneys available for National forests; violation of rules and regulations.**—That the President in his discretion, is hereby authorized to establish as national forests, or parts thereof, any lands within the boundaries of Government reservations, other than national parks, reservations for phosphate and other mineral deposits or water-power purposes, national monuments, and Indian reservations, which in the opinion of the Secretary of the department now administering the area and the Secretary of Agriculture are suitable for the production of timber, to be administered by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary formerly administering the area, for the use and occupation of such lands and for the sale of products therefrom. That where such national forest is established on land previously reserved for the Army or Navy for purposes of national defense the land shall remain subject to the unhampered use of the War or Navy Department for said purposes, and nothing in this section shall be construed to relinquish the authority over such lands for purposes of national defense now vested in the Department for which the lands were formerly reserved. Any moneys available for the maintenance, improvement, protection, construction of highways, and general administration of the national forests shall be available for expenditure on the national forests created under this section.

Any person who shall violate any rule or regulation promulgated under this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both. (June 7, 1924, sec. 9, 43 Stat. 655; 16 U. S. C. secs. 471 (b), 505.)

**742. Laws affecting national forest lands.**—That the Secretary of the Department of Agriculture shall, from and after the passage of this Act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the Act entitled "An Act to repeal the timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one [16 U. S. C., sec. 471], and Acts supple-

mental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands. (Feb. 1, 1905, sec. 1, 33 Stat. 628; 16 U. S. C., sec. 472.)

**743. Forest reserves to be known as national forests.—\* \* \*** Forest reserves \* \* \* shall be known hereafter as national forests. (Mar. 4, 1907, 34 Stat. 1269)

**744. Revocation, modification, or suspension of orders or proclamations establishing national forests; reduction of area.**—That, to remove any doubt which may exist pertaining to the authority of the President thereunto, the President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interests. \* \* \* The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any national forest, and by such modification may reduce the area or change the boundary lines of such national forest, or may vacate altogether any order creating such national forest. (June 4, 1897, 30 Stat. 34, 36; 16 U. S. C., sec. 473.)

**745. Surveys; plats and field notes; maps.**—The surveys herein provided for shall be made, under the supervision of the Director of the Geological Survey, by such person or persons as may be employed by or under him for that purpose, and shall be executed under instructions issued by the Secretary of the Interior; and if subdivision surveys shall be found to be necessary, they shall be executed under the rectangular system, as now provided by law. The plats and field notes prepared shall be approved and certified to by the Director of the Geological Survey, and two copies of the field notes shall be returned, one for the files in the United States Field Surveying Service of the State in which the reserve is situated, the other in the General Land Office; and twenty photolithographic copies of the plats shall be returned, one copy for the files in the United States Field Surveying Service of the State in which the reserve is situated; the original plat and the other copies shall be filed in the General Land Office, and shall have the facsimile signature of the Director of the Survey attached.

Such surveys, field notes, and plats thus returned shall have the same legal force and effect as heretofore given the surveys, field notes, and plats returned through the Field Surveying Service; and such surveys, which include subdivision surveys under the rectangular system, shall be approved by the Commissioner of the General Land Office as in other cases, and properly certified copies thereof shall be filed in the respective land offices of the districts in which such lands are situated, as in other cases. All laws inconsistent with the provisions hereof are hereby declared inoperative as respects such survey: *Provided, however,* That a copy of every topographic map and other maps showing the distribution of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of the Survey and filed in the General Land Office. (June 4, 1897, sec. 1, 30 Stat. 34; Mar. 3, 1925, 43 Stat. 1144; 16 U. S. C., sec. 474.)

**746. Purposes for which national forests may be established and administered.**—All public lands designated and reserved by the President of the United States under the provisions of the Act approved March third, eighteen hundred and ninety-one [16 U. S. C., sec. 471], the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as national forests under said Act, shall be as far as practicable controlled and administered in accordance with the following provisions:

No national forest shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the Act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes. (June 4, 1897, sec. 1, 30 Stat. 34; 16 U. S. C., sec. 475.)

**747. Sale of timber.**—For the purpose of preserving the living and growing timber and promoting the younger growth on national forests, the Secretary of Agriculture, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such national forests as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom. Before such sale shall take place, notice thereof shall be given by the Secretary of Agriculture, for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists: *Provided, however,* That in cases of unusual emergency the Secretary of Agriculture may, in the exercise of his discretion, permit the purchase of timber and cordwood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale: *Provided further,* That he may, in his discretion, sell without advertisement in quantities to suit applicants, at a fair appraisement, timber and cordwood and other forest products not exceeding five hundred dollars in appraised value: *And provided further,* That in cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of Agriculture, at not less than the appraised valuation, in quantities to suit purchasers; payments for such timber to be made to the receiver of the local land office of the district wherein said timber may be sold, under such rules and regulations as the Secretary of Agriculture may prescribe; and the moneys arising therefrom shall be accounted for by the register of such land office to the Secretary of Agriculture, in a separate account, and shall be covered into the Treasury. Such timber, before

being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of Agriculture not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing to the Secretary of Agriculture, and to the receiver in the land office in which such reservation shall be located of his doings in the premises. (June 4, 1897, sec. 1, 30 Stat. 35; June 6, 1900, 31 Stat. 661; Feb. 1, 1905, 33 Stat. 628; June 30, 1906, 34 Stat. 684; Mar 3, 1925, sec. 3, 43 Stat. 1132; 16 U. S. C., sec. 476.)

**748. Use of timber and stone by settlers, etc.**—The Secretary of Agriculture may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located. (June 4, 1897, sec. 1, 30 Stat. 35; 16 U. S. C., sec. 477.)

**749. Egress or ingress of actual settlers; prospecting.**—Nothing herein [16 U. S. C., secs. 473–482, 551] shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such national forests, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of Agriculture. Nor shall anything herein prohibit any person from entering upon such national forests for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with the rules and regulations covering such national forests. (June 4, 1897, sec. 1, 30 Stat. 36; 16 U. S. C., sec. 478.)

**750. Sites for schools and churches.**—The settlers residing within the exterior boundaries of such national forests, or in the vicinity thereof, may maintain schools and churches within such national forest, and for that purpose may occupy any part of the said national forest, not exceeding two acres for each school house and one acre for a church. (June 4, 1897, sec. 1, 30 Stat. 36; 16 U. S. C., sec. 479.)

**751. Civil and criminal jurisdiction.**—The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of the existence of such national forests, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State. (June 4, 1897, sec. 1, 30 Stat. 36; 16 U. S. C., sec. 480.)

**752. Use of waters.**—All waters on such national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder. (June 4, 1897, sec. 1, 30 Stat. 36; 16 U. S. C., sec. 481.)

**753. Mineral lands; restoration to public domain; location and entry.**—Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice thereof, published in two papers of general circulation in the State or Territory wherein any national forest is situated, and near the said national forest any public lands embraced within the limits of any national forest which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any national forest which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained [16 U. S. C., secs. 473-482, 551]. (June 4, 1897, sec. 1, 30 Stat. 36; 16 U. S. C., sec. 482.)

**754. Angeles National Forest; President authorized to withdraw lands from entry.**—That the public lands of the United States within the boundaries of the Angeles National Forest located in the State of California and hereinafter described are hereby withdrawn from location or entry under the mining laws of the United States:

All Government lands in sections 6, 7, and 18, township 1 north, range 7 west, San Bernardino meridian.

All Government lands in sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, township 1 north, range 8 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25, 26, and 27, township 1 north, range 9 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 18, 21, and 24, township 1 north, range 10 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, and 14, township 1 north, range 11 west, San Bernardino meridian.

All Government lands in sections 1, 2, and 12, township 1 north, range 12 west, San Bernardino meridian.

All Government lands in sections 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 27, 28, 30, and 31, township 2 north, range 7 west, San Bernardino meridian.

All Government lands in sections 5, 6, 7, 8, 10, 13, 15, 16, 17, 18, 19, 20, 21, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 8 west, San Bernardino meridian.

All Government lands in sections 5, 8, 9, 10, 11, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 9 west, San Bernardino meridian.

All Government lands in sections 1, 10, 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, 31, 32, 33, 34, 35, and 36, township 2 north, range 10 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 11 west, San Bernardino meridian.

All Government lands in sections 3, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,

34, 35, and 36, township 2 north, range 12 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 23, 24, and 26, township 2 north, range 13 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, and 6, township 2 north, range 14 west, San Bernardino meridian.

All Government lands in sections 19 and 20, township 3 north, range 7 west, San Bernardino meridian.

All Government lands in sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 21, 23, 24, 28, 29, 32, and 33, township 3 north, range 8 west, San Bernardino meridian.

All Government lands in sections 1, 4, 5, 7, 8, 9, 16, 17, 20, 21, 28, 29, 32, and 33, township 3 north, range 9 west, San Bernardino meridian.

All Government lands in sections 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18, township 3 north, range 10 west, San Bernardino meridian.

All Government lands in sections 1, 3, 10, 11, 12, 13, 14, 15, 17, 20, 22, 23, 24, 26, 27, 29, 30, 31, 32, 34, and 35, township 3 north, range 11 west, San Bernardino meridian.

All Government lands in sections 4, 5, 6, 8, 16, 17, 20, 21, 22, 25, 26, 27, 28, 29, 31, 32, 34, and 35, township 3 north, range 12 west, San Bernardino meridian.

All Government lands in sections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 28, 29, 30, 31, 32, and 33, township 3 north, range 13 west, San Bernardino meridian.

All Government lands in sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 3 north, range 14 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 23, 24, 25, and 36, township 3 north, range 15 west, San Bernardino meridian.

All Government lands in sections 21, 28, 31, 32, 33, 34, and 35, township 4 north, range 8 west, San Bernardino meridian.

All Government lands in sections 20, 21, 27, 28, 29, 32, 33, 34, 35, and 36, township 4 north, range 9 west, San Bernardino meridian.

All Government lands in sections 19, 29, 30, and 31, township 4 north, range 10 west, San Bernardino meridian.

All Government lands in sections 3, 10, 11, 13, 14, 24, 30, 31, 32, 33, and 34, township 4 north, range 11 west, San Bernardino meridian.

All Government lands in sections 24, 25, 31, 32, and 33, township 4 north, range 12 west, San Bernardino meridian.

All Government lands in sections 17, 18, 35, and 36, township 4 north, range 13 west, San Bernardino meridian.

All Government lands in sections 11 (inside forest), 13, 14, 15, 16, and 17 (inside forest), township 4 north, range 14 west, San Bernardino meridian.

All Government lands in sections 27, 28, and 34, township 5 north, range 11 west, San Bernardino meridian.

All Government lands in sections 7 and 18, township 5 north, range 14 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 6, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 29, and 30, township 5 north, range 15 west, San Bernardino meridian.

All Government lands in sections 1, 2, 4, 5, 11, 12, 14, 23, 25, and 26, township 5 north, range 16 west, San Bernardino meridian.

All Government lands in sections 3, 4, 10, 15, and 22, township 5 north, range 18 west, San Bernardino meridian.

All Government lands in sections 7, 8, 18, 25, 26, 27, 28, 29, 31, 32, 35, and 36, township 6 north, range 14 west, San Bernardino meridian.

All Government lands in sections 2, 5, 6, 11, 12, 13, 14, 19, 20, 21, 22, 27, 31, 32, 33, and 34, township 6 north, range 15 west, San Bernardino meridian.

All Government lands in sections 1, 6, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 27, and 34, township 6 north, range 16 west, San Bernardino meridian.

All Government lands in sections 1, 6, 8, 12, 13, 14, 15, 16, 17, 18, 19, 21, 27, and 28, township 6 north, range 17 west, San Bernardino meridian.

All Government lands in section 13, township 6 north, range 18 west, San Bernardino meridian.

All Government lands in section 30, township 7 north, range 14 west, San Bernardino meridian.

All Government lands in sections 16, 17, 18, 21, 22, 23, 25, 26, 27, 30, 31, 32, 33, and 34, township 7 north, range 15 west, San Bernardino meridian.

All Government lands in sections 6, 7, 12, 13, 17, 19, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, and 33, township 7 north, range 16 west, San Bernardino meridian.

All Government lands in sections 1, 2, 5, 6, 7, 8, 10, 11, 12, 18, 19, 30, and 31, township 7 north, range 17 west, San Bernardino meridian.

All Government lands in section 36, township 7 north, range 18 west, San Bernardino meridian.

And all Government lands in sections 32, 34, and 35, township 8 north, range 17 west, San Bernardino meridian. (May 29, 1928, sec. 1, 45 Stat. 955.)

**755. Act not to affect existing rights; President to issue Executive order restoring lands to location and entry.**—That this Act shall not defeat or affect any lawful right which has already attached under the mining laws and which is hereafter maintained in accordance with such laws: *Provided*, That the President, upon recommendation of the Secretary of the Interior and the Secretary of Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby, and after reasonable notice has been given through the Department of the Interior, restore to location and entry under the mining laws any of the lands hereby withdrawn therefrom. (May 29, 1928, sec. 2, 45 Stat. 956.)

**756. Carson National Forest; President authorized to withdraw lands from entry.**—That upon recommendation of the Secretary of the Interior, the President of the United States be, and he is hereby, authorized to withdraw by Executive order or proclamation, from any or all forms of entry or appropriation under the land laws of the

United States, any lands of the United States within the watershed of the Rio Pueblo de Taos, Carson National Forest, New Mexico, from which the Indians of the Taos Pueblo obtain water for irrigation and domestic purposes: *Provided*, That the Secretary of Agriculture may, in his discretion, promulgate regulations to govern the use and occupancy of lands withdrawn under the provisions hereof, and to protect said lands from any act or condition which would impair the purity or volume of the water flowing therefrom. (Mar. 27, 1928, 45 Stat. 372.)

**757. Mount Hood National Forest; mining locations.**—That hereafter mining locations made under the United States mining laws upon lands within the Mount Hood National Forest in the State of Oregon shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however*, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development. (May 11, 1934, sec. 1, Public 219.)

**758. Same; scope of patents.**—That hereafter all patents issued under the United States mining laws affecting lands within the Mount Hood National Forest within the State of Oregon shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Forest Service. (May 11, 1934, sec. 2, Public 219.)

**759. Same; perfection of valid preexisting mining claims.**—That valid mining claims within the Mount Hood National Forest in the State of Oregon existing on the date of enactment of this Act, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Oregon, may be perfected under this Act, or under the law under which they were initiated, as the claimant may desire. (May 11, 1934, sec. 3, Public 219.)

**760. Prescott National Forests; Mining locations.**—That hereafter mining locations made under the United States mining laws upon lands within the municipal watershed of the city of Prescott, within

the Prescott National Forest in the State of Arizona, specifically described as the west half southwest quarter section 13; south half section 14; southeast quarter, and east half southwest quarter section 15; east half, and south half southwest quarter section 22; all of section 23; west half section 24; all of sections 26 and 27; north half north half section 34; and north half north half section 35, township 13 north, range 2 west, Gila and Salt River base and meridian, an area of three thousand six hundred acres, more or less, shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development. That hereafter all patents issued under the United States mining laws affecting lands within the municipal watershed of the city of Prescott, within the Prescott National Forest, in the State of Arizona, shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture. That valid mining claims within the municipal watershed of the city of Prescott, within the Prescott National Forest in the State of Arizona, existing on the date of the enactment of this Act, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Arizona, may be perfected under this Act, or under the laws under which they were initiated, as the claimant may desire. (Jan. 19, 1933, secs. 1-3, 47 Stat. 771; 16 U. S. C., sec. 482a.)

**761. Wasatch National Forest; mining locations.**—That hereafter mining locations made under the United States mining laws upon lands within the municipal watershed of the city of Salt Lake City, within the Wasatch National Forest in the State of Utah, specifically described as follows—

South half section 22; all of section 23; and sections 25 to 36, inclusive; township 1 south, range 2 east, Salt Lake meridian.

South half of section 30; and sections 31 to 33, inclusive; township 1 south, range 3 east, Salt Lake meridian.

Southeast quarter northeast quarter and east half southeast quarter section 11; south half and south half north half section 12; north half, southeast quarter, east half southwest quarter and northwest quarter southwest quarter section 13; east half northeast quarter and northeast quarter southeast quarter section 14; east half northwest quarter; and east half section 24; southeast quarter section 25, township 2 south, range 1 east, Salt Lake meridian.

All of township 2 south, range 2 east, Salt Lake meridian.

West half section 3; sections 4 to 9; west half and southeast quarter section 10, south half section 14; sections 15 to 23; west half section 24; west half section 25; sections 26 to 35; and west half section 36; township 2 south, range 3 east, Salt Lake meridian.

East half section 1, township 3 south, range 1 east, Salt Lake meridian.

Sections 1 to 18, inclusive; and sections 20 to 24, inclusive; township 3 south, range 2 east, Salt Lake meridian.

Sections 1 to 9, inclusive; north half section 10; and section 18, township 3 south, range 3 east, Salt Lake meridian.

shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development. (May 26, 1934, sec. 1, Public 259.)

**762. Same; scope of patents.**—That hereafter all patents issued under the United States mining laws affecting the above-mentioned lands within the municipal watershed of the city of Salt Lake City, within the Wasatch National Forest, in the State of Utah, shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture. (May 26, 1934, sec. 2, Public 259.)

**763. Certain public lands reserved.**—That the public lands within the several townships and subdivisions thereof hereinafter enumerated, situate in Big Cottonwood Canyon in the county of Salt

Lake, State of Utah, are hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or nonmineral land laws of the United States, and set aside as a municipal water supply reservoir site for the use and benefit of the city of Salt Lake City, a municipal corporation of the State of Utah, as follows, to wit: Lands in sections 13 and 14, township 2 south, range 2 east; and sections 7, 17, and 18, township 2 south, range 3 east, Salt Lake meridian, Utah, as shown on reservoir map approved on January 25, 1924, under section 4 of the Act of February 1, 1905 (33 Stat. 628). (May 26, 1934, sec. 3, Public 259.)

**764. Perfection of preexisting valid mining claims.**—That valid mining claims within the municipal watershed of the city of Salt Lake City, within the Wasatch National Forest in the State of Utah, existing on the date of the enactment of this Act, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Utah, may be perfected under this Act, or under the laws under which they were initiated, as the claimant may desire. (May 26, 1934, sec. 4, Public 259.)

**765. Exchange of land or timber within national forests for lands relinquished as basis for lieu selection.**—That where any person or persons in good faith relinquished to the United States lands in a national forest as a basis for a lieu selection under the Act of June 4, 1897 (Thirty-first Statutes at Large, pages 11, 36), and failed to get their lieu selections of record prior to the passage of the Act of March 3, 1905 (Thirty-third Statutes at Large, page 1264), or whose lieu selections, though duly filed, are finally rejected, the Secretary of the Interior, with the approval of the Secretary of Agriculture, upon application of such person or persons, their heirs or assigns, is authorized to accept title to such of the base lands as are desirable for national-forest purposes, which lands shall thereupon become parts of the nearest national forest, and, in exchange therefor, may issue patent for not to exceed an equal value of national-forest land, unoccupied, surveyed, and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State. Where an exchange can not be agreed upon, the Commissioner of the General Land Office is hereby authorized to relinquish and quitclaim to such person or persons, their heirs or assigns, all title to such lands which the respective relinquishments of such person or persons may have vested in the United States: *Provided*, That such person or persons, their heirs or assigns, shall, within five years after the date of this Act, make satisfactory proof of the relinquishment of such lands to the United States by submitting to the Commissioner of the General Land Office an abstract of title to such lands showing relinquishment of the same to the United States, which abstract or abstracts shall be retained in the files of the General Land Office. (Sept. 22, 1922, sec. 1, 42 Stat. 1017; 16 U. S. C., sec. 483.)

**766. Selection of other lands in lieu of lands relinquished.**—That if it shall appear that any of the lands relinquished to the United States for the purpose stated in the preceding section have been disposed of or appropriated to a public use, other than the general purposes for which the national forest within the bounds of which they are situate was created, such lands shall not be relinquished and quit-

claimed as provided therein, unless the head of the department having jurisdiction over the lands shall consent to such relinquishment; and if he shall fail to so consent, or if any of the lands so relinquished have been otherwise disposed of by the United States, other surveyed, nonmineral, unoccupied, unreserved public lands of approximately equal area and value may be selected and patented in lieu of the lands so appropriated or disposed of in the manner and subject to the terms and conditions prescribed by said Act of June 4, 1897, and the regulations issued thereunder: *Provided*, That applications to make such lieu selections must be filed in the General Land Office within three years after the date of this Act. (Sept. 22, 1922, sec. 2, 42 Stat. 1017; 16 U. S. C., sec. 484.)

**767. Relinquishment by Oregon of lands in exchange for other lands within national forests.**—That the State of Oregon is hereby authorized to relinquish its selection heretofore made under the terms of the Act of August eighteenth, eighteen hundred and ninety-four (Twenty-eighth Statutes, page three hundred and seventy-two), and Acts amendatory and supplemental thereto of the following lands:

Section three; east half, east half of west half, southwest quarter of southwest quarter of section four; southwest quarter, west half of southeast quarter, southeast quarter of southeast quarter of section five; south half of section six; all of sections seven, eight, nine, ten, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, and twenty-two of township twenty-four south, range thirty-three east, Willamette meridian, containing eight thousand seven hundred and ninety-three and forty-seven one-hundredths acres; and the Secretary of the Interior, upon recommendation of the Secretary of Agriculture, may issue patent to said lands in exchange for and upon reconveyance to the United States of the following lands within national forests in the State of Oregon:

All of fractional section thirty-six, township twenty-one south, range twelve east; all of section sixteen, township twenty-one south, range twelve east; the southeast quarter of section thirty-six, township twenty south, range fourteen east; all of section sixteen, township twenty-three south, range sixteen east; the south half of northwest quarter, the northwest quarter of northwest quarter, the northeast quarter of northeast quarter, the south half of section sixteen, township twenty-eight south, range ten east; south half of north half of section sixteen, township fifteen south, range thirty-one east; northwest quarter of northwest quarter of section sixteen, township seventeen south, range thirty-two east; all of section thirty-six, township three south, range forty-seven east; all of section sixteen, township nineteen south, range thirty-one east; southeast quarter of southeast quarter of section sixteen, east half of northeast quarter, west half of northwest quarter of section thirty-six township twenty south, range thirty-three east; all of section sixteen, township three south, range forty-one east; south half and northwest quarter of section thirty-six, township nineteen south, range thirty-two east; north half of section sixteen, township fourteen south, range thirty-three east; all of sections sixteen and thirty-six, township seven south, range thirty-four east; section sixteen, township eight south, range thirty-two east; all of section thirty-six township fourteen south, range thirty-five and a half east; all of section thirty-six, township

two south, range forty east, Willamette meridian: *Provided*, That the timber or undergrowth shall not have been removed from said forest lands: *Provided further*, That upon reconveyance to the United States the lands shall become parts of the national forests in which they are situated. (Mar. 4, 1911, 36 Stat. 1357.)

**768. Exchange of land within national forests; cutting timber.**—That, when the public interests will be benefited thereby, the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located. (Mar. 20, 1922, sec. 1, 42 Stat. 465; 16 U. S. C., sec. 485.)

**769. Exchange of lands in national forests; reservations of timber, minerals, or easements.**—Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located. (Mar. 20, 1922, sec. 2, 42 Stat. 465; Feb. 28, 1925, sec. 3, 43 Stat. 1090; 16 U. S. C., sec. 486.)

**770. Extension of provisions of act of March 20, 1922; lands within former Mexican and Spanish land grants.**—That the provisions of the Act of Congress approved March 20, 1922 (Forty-second Statutes,

page 465), Section 485, Title 16, Code of Laws of the United States, an Act entitled "An Act to consolidate national forest lands", be, and the same are hereby, extended and made applicable to any lands within former Spanish or Mexican land grants which lie partly within or contiguous to the boundaries of the Carson, Manzano, or Sante Fe National Forests in the State of New Mexico. The lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forests within or near whose exterior boundaries they are located. (Apr. 16, 1928, 45 Stat. 431; 16 U. S. C., sec. 486a.)

**771. Same; Crater National Forest.**—That the provisions of the Act of Congress approved March 20, 1922 (Forty-second Statutes, page 465), section 485, title 16, Code of Laws of the United States, be, and the same are hereby, extended, and made applicable, to any lands within six miles of the boundaries of the Crater National Forest within the State of Oregon. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Crater National Forest and subject to all laws relating thereto. (Apr. 23, 1928, 45 Stat. 450; 16 U. S. C., sec. 486b.)

**772. Same; lands adjacent to national forests in Montana.**—That the provisions of the Act of March 20, 1922 (Forty-second Statutes at Large, page 465), entitled "An Act to consolidate national forest lands [16 U. S. C., secs. 485, 486]", are hereby extended to include any suitable lands in the State of Montana situated within six miles of a national-forest boundary. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forest nearest to which they are situated. (Jan. 30, 1929, 45 Stat. 1145; 16 U. S. C., sec. 486c.)

**773. Same; lands adjacent to Siuslaw National Forest.**—That the provisions of the Act of Congress approved March 20, 1922 (42 Stat. 465), section 485, title 16, Code of Laws of the United States be, and the same are hereby, extended, and made applicable, to any lands within township 12 south, ranges 6 and 7 west, Willamette meridian, Benton County, State of Oregon. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Siuslaw National Forest and subject to all laws relating thereto. (June 30, 1932, 47 Stat. 451; 16 U. S. C., sec. 486d.)

**774. Chelan National Forest.**—That the provisions of the Act of Congress approved March 20, 1922 (42 Stat. 465; U. S. C., title 16, sec. 485), be, and the same are hereby, extended and made applicable to any lands within four miles of the present boundaries of the Chelan National Forest. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Chelan National Forest and subject to all laws relating thereto. Any lands in public ownership lying within the area described in this Act and found to be valuable for national-forest purposes may, upon recommendation of the Secretaries of Agriculture and of the Interior, be added to the Chelan National Forest by proclamation of the President: *Provided, however,* That nothing contained herein shall affect prior valid existing claims or entries or prior existing withdrawals or reservations. (Aug. 2, 1935, Public 227, 74th Cong.)

**775. Modoc National Forest; addition of lands.**—That any lands within those certain portions of Modoc and Siskiyou Counties, California, found by the Secretary of Agriculture to be available for the

production of timber or the protection of stream flow or regulation and improvement of the grazing thereon described as follows, to wit:

Commencing at that point on the California-Oregon State line where the same crosses the west line of the Modoc National Forest, being in section twenty-nine, township forty-eight north, range eight east, Mount Diablo meridian; thence southerly and westerly, following the meanderings of the said west line of said Modoc National Forest to the point where the same crosses the south line of township forty-five north, range four east, Mount Diablo meridian, at the southeast corner of section thirty-four in said township; thence west following the section lines to the southwest corner of township forty-five north, range three east, Mount Diablo meridian; thence north along the township line between ranges two and three to the point where the same crosses or intersects the California-Oregon State line; thence east along said State line to the point of beginning; also all of sections thirty-four and thirty-five, township forty-eight north, range sixteen east, and the west half of section two and all of section three, in township forty-seven north, range sixteen east, Mount Diablo meridian, with the approval of the Secretary of the Interior, be included in and made a part of Modoc National Forest, California, by proclamation of the President, for the purpose of production of timber, protection of stream flow, or regulation and improvement of the grazing thereon, and thereafter to be governed, controlled, and used under the same rules and regulations now in force or to be hereafter adopted governing said Modoc National Forest. (Mar. 3, 1919, 40 Stat. 1316.)

**776. Extension of provisions of Act of March 20, 1922; lands added to Modoc National Forest.**—That the provisions of the Act approved March 20, 1922 (U. S. C., title 16, secs. 485, 486), entitled "An Act to consolidate national forest lands", as amended, are hereby extended and made applicable to all lands within the following described area: northeast quarter, northeast quarter northwest quarter, south half northwest quarter, southwest quarter, east half southeast quarter, southwest quarter southeast quarter, section 15; and the east half northeast quarter, section 22; all in township 39 north, range 11 east, Modoc County, California, Mount Diablo base and meridian. (Mar. 4, 1933, 47 Stat. 1563; 16 U. S. C., sec. 486e.)

**777. Extension of provisions of Act of March 20, 1922, to Idaho lands.**—That the provisions of the Act entitled "An Act to consolidate national forest lands", approved March 20, 1922 (U. S. C., title 16, sec. 485), are extended and made applicable to the following described lands in the State of Idaho:

Sections 5, 6, 7, and 8, township 40 north, range 1 west.

Sections 1, 2, 3, 11, and 12; section 10, except the southwest quarter northwest quarter and the west half southwest quarter, township 40 north, range 2 west.

Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 17, and 18; section 15, except the south half southwest quarter; north half northeast quarter, southwest quarter northeast quarter, northwest quarter, and the north half southwest quarter section 19; northeast quarter, east half northwest quarter, and the southwest quarter section 20, township 40 north, range 3 west.

Sections 1 to 23, inclusive; northeast quarter, east half northwest quarter, northwest quarter northwest quarter, and the north half

southeast quarter section 24; northeast quarter, east half northwest quarter, and the northwest quarter northwest quarter section 26; northeast quarter northeast quarter, west half northeast quarter, and the northwest quarter section 27; north half section 28; and the east half northeast quarter section 29, township 40 north, range 4 west.

Sections 9, 11, 12, 13, 14, and the south half section 1; south half section 2; southeast quarter section 3; section 10, except the north half northwest quarter; north half, and the east half southeast quarter, section 15; northeast quarter, and the north half southeast quarter section 16; north half, southeast quarter southwest quarter, and the southeast quarter, section 24, township 40 north, range 5 west.

Sections 29, 30, 31, and 32, township 41 north, range 1 west.

Sections 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 34, 35, 36, and the north half section 33, township 41 north, range 2 west.

Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, and section 26 except the southwest quarter southwest quarter, township 41 north, range 3 west.

The southeast quarter section 32; southwest quarter, west half southeast quarter, and the southeast quarter southeast quarter, section 33; east half southeast quarter section 34; south half section 35, and section 36, except the northeast quarter, township 41 north, range 4 west.

All foregoing descriptions relate to Boise base and meridian. (Apr. 30, 1934, sec. 1, 48 Stat. 649.)

**778. Same; exchange of lands authorized.**—Lands within the national forests heretofore granted to the State of Idaho for educational or other purposes may, under such rules and regulations as the legislature of such State shall prescribe, be offered in exchange for any of the lands described in section 1 hereof which are of nonmineral character and approximately equal value and area, in the ownership of the United States or in other ownership, to the end that the State may acquire holdings in a reasonably compact form for economic administration as a forest property, or for use as an experimental, training, and demonstrational area by the School of Forestry of the University of Idaho, or for any other purposes that the legislature of the State may authorize or prescribe, anything in the enabling act of such State to the contrary notwithstanding. (Apr. 30, 1934, sec. 2, 48 Stat. 650.)

**779. Same; exchanged lands to become part of national forest.**—The lands conveyed to the United States under sections 1 and 2 of this Act (together with the land described in section 1 now owned by the United States, subject to all valid existing rights) shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located. (Apr. 30, 1934, sec. 3, 48 Stat. 650.)

#### *Exchange of Other Lands for National Forest Lands.*

**780. Arapaho National Forest.**—That any privately owned lands within the following-described sections, which are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes, may be offered and title thereto accepted in exchange for national forest land or timber in the State of Colorado, under and

in accordance with the provisions of the Act of March 20, 1922, Public 173, and the Acts amendatory thereto [16 U. S. C., secs. 485, 486]:

In township 1 south, range 75 west, section 4; east half and northwest quarter of section 5; northeast quarter of section 6; east half of section 8, section 9; south half of section 10; sections 15 and 16; east half of sections 17 and 20; sections 21 and 22; sections 28, 29, 30, 31, 32, and 33; in township 1 south, range 76 west, sections 4, 5, 6, 7, 8, and 9; north half of section 10; sections 11 to 36, inclusive; in township 1 south, range 77 west, sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36; in township 1 north, range 75 west, section 31; in township 1 north, range 76 west, sections 1 and 2; southeast quarter of section 3; east half of section 10; sections 11, 12, 13, and 14; east half and southwest quarter of section 15; south half of section 16; sections 21 to 29, inclusive; east half and southwest quarter of section 30; sections 31 to 36, inclusive; in township 1 north, range 76½ west, south half of section 25; section 36; in township 1 north, range 77 west, section 36; in township 2 north, range 76 west, sections 25 and 36; all west of the Sixth principal meridian.

Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Arapaho National Forest. (Mar. 3, 1927, 44 Stat. 1378.)

**781. Carson National Forest.**—That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the Carson National Forest, New Mexico, if in the opinion of the Secretary of Agriculture the public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor may give not to exceed an equal value of such national forest lands or timber within the said national forest as may be determined by the Secretary of Agriculture and the Secretary of the Interior.

Timber given and the timber on lands given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become a part of the Carson National Forest. (Mar. 4, 1921, 41 Stat. 1364.)

**782. Same.**—That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Las Trampas grant, located within the counties of Rio Arriba and Taos, State of New Mexico, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national-forest purposes, and in exchange therefor the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance

with the requirements of the Secretary of Agriculture. (June 7, 1924, sec. 1, 43 Stat. 643.)

**783. Surveys of lands offered for exchange.**—That lands offered for exchange hereunder and not covered by public land surveys shall be identified by metes and bounds surveys and that such surveys and the plats and field notes thereof shall be made by employees of the United States Forest Service and approved by the United States Surveyor General. (June 7, 1924, sec. 2, 43 Stat. 643.)

**784. Lands acquired to become part of Carson National Forest.**—That any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of Carson National Forest. (June 7, 1924, sec. 3, 43 Stat. 643.)

**785. Publication of notice of exchange.**—That before any exchange of lands for timber as above provided is effected, notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated. (June 7, 1924, sec. 4, 43 Stat. 643.)

**786. Carson National Forest.**—That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Santa Barbara grant, located within the county of Taos, State of New Mexico, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national-forest purposes, and in exchange therefor the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. (Jan. 12, 1925, sec. 1, 43 Stat. 739.)

**787. Metes and bounds surveys.**—That lands offered for exchange hereunder and not covered by public-land surveys shall be identified by metes and bounds surveys and that such surveys and the plats and field notes thereof shall be made by employees of the United States Forest Service and approved by the United States Surveyor General. (Jan. 12, 1925, sec. 2, 43 Stat. 739.)

**788. Lands to become part of Carson National Forest.**—That any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of Carson National Forest. (Jan. 12, 1925, sec. 3, 43 Stat. 739.)

**789. Publication of notice of exchange.**—That before any exchange of lands for timber as above provided is effected, notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated. (Jan. 12, 1925, sec. 4, 43 Stat. 739.)

**790. Carson and Santa Fe National Forests.**—That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept

on behalf of the United States title to all or any part of privately owned lands, situated within the Mora grant, as described in the patent issued by the United States, located in the counties of San Miguel, Mora, Taos, and Colfax, in the State of New Mexico, and adjoining one or more national forests, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national-forest purposes, and in exchange therefor to patent not to exceed an equal value of national-forest land in that State or the State of Arizona, or the Secretary of Agriculture may authorize grantor to cut and remove an equal value of timber within the national forests of the State of New Mexico or of the State of Arizona, the value in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture: *Provided*, That the consent and approval of the Governor of Arizona shall have first been secured before any timber is given in exchange in the State of Arizona under this Act. (Apr. 21, 1926, sec. 1, 44 Stat. 303.)

**791. Metes and bounds surveys.**—Lands offered for exchange hereunder and not covered by public-land surveys or identified by surveys of the United States shall be identified by metes and bounds surveys, and that such surveys and the plats and field notes thereof may be made by employees of the United States Forest Service and approved by the United States Surveyor General. (Apr. 21, 1926, sec. 2, 44 Stat. 303.)

**792. Lands to become part of Carson or Santa Fe National Forest.**—Any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of the Carson National Forest or of the Santa Fe National Forest, as the Secretary of Agriculture may determine. (Apr. 21, 1926, sec. 3, 44 Stat. 303.)

**793. Publication of notice of exchange.**—Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. (Apr. 21, 1926, sec. 4, 44 Stat. 303.)

**794. Exchange of land in Wyoming for privately owned lands in Crow Creek National Forest for military purposes.**—That whenever the Secretary of War shall deem the acquisition of lands in private ownership necessary for the enlargement of the military maneuvering grounds for the United States Army and National Guard within the reservation known as the "Crow Creek National Forest", he may certify to the Secretary of the Interior the description of such specific tract or tracts of land as he may deem necessary for such purpose, and the Secretary of the Interior may thereupon, with the approval of the President, exchange therefor an equal area of any of the unoccupied, nonmineral, untimbered public land subject to entry within the State of Wyoming. (Mar. 13, 1908, 35 Stat. 42.)

**795. Custer National Forest.**—That lands of the United States within the Custer National Forest, Montana, which have been withdrawn or classified as coal lands or are valuable for coal, may be exchanged under the provisions of the Act of March 20, 1922 (Forty-second Statutes at Large, page 465) [16 U. S. C., secs. 485, 486], with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same. (Mar. 3, 1925, 43 Stat. 1117.)

**796. Deschutes National Forest.**—That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands in private ownership within or within six miles of the exterior boundaries of the Deschutes National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and, in exchange therefor, may issue patent for an equal value of national forest land, in the State of Oregon, or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of timber from any national forest, in the State of Oregon, the values in each instance to be determined by the Secretary of Agriculture and be acceptable to the owner as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Deschutes National Forest. (Feb. 2, 1922, 42 Stat. 362.)

**797. Same.**—Such lands in public ownership within six miles of the exterior boundaries of the Deschutes National Forest, in the State of Oregon, as may be found by the Secretaries of Agriculture and of the Interior to be chiefly valuable for national forest purposes, may be added to the Deschutes National Forest by proclamation of the President, subject to any valid existing claims in such lands. (May 24, 1935, Public 68, 74th Cong.)

**798. Fishlake National Forest; exchange of lands.**—That the Secretary of the Interior is hereby authorized to issue patent to the Salina Land and Grazing Company, a corporation organized and existing under the laws of Utah, for the following-described lands:

East half southwest quarter, southwest quarter southwest quarter, south half northwest quarter, northeast quarter northwest quarter, north half northeast quarter, southeast quarter northeast quarter, north half southeast quarter, southeast quarter southeast quarter, section twenty-four; east half northeast quarter, north half southwest quarter, section twenty-five; southeast quarter northeast quarter, east half southeast quarter, section thirty-five; and a strip eight chains in width extending from the northwest corner of section two, township twenty-four south, range one east, to the junction with the southeast quarter southeast quarter of section thirty-five, township twenty-three south, range one east, of the Salt Lake meridian.

Lots one, two, three, and four, section nineteen; southwest quarter northwest quarter section twenty; northwest quarter southeast quarter, northwest quarter northeast quarter, east half northwest quarter, section thirty, township twenty-three south, range two east, of the Salt Lake meridian.

Northwest quarter southwest quarter section one; east half northwest quarter, northeast quarter section eleven; west half northwest

quarter, north half northeast quarter, southeast quarter northeast quarter, northeast quarter southeast quarter, northeast half northwest quarter, southeast quarter, section twelve; said northeast half being an area of twenty acres made by drawing a line from the northwest corner of forty to the southeast corner of forty, township twenty-four south, range one east, of the Salt Lake meridian.

Southeast quarter, south half southwest quarter, section five; northwest quarter northeast quarter, lot two, southwest quarter, southwest quarter southeast quarter, section seven; southwest quarter, east half northwest quarter, northwest quarter northwest quarter, northeast quarter, north half southeast quarter, southwest quarter southeast quarter, section eight, township twenty-four south, range two east, of the Salt Lake meridian, upon the transfer by the said Salina Land and Grazing Company to the United States of the northeast quarter northwest quarter section twenty-eight; southeast quarter northeast quarter section thirty-five, township twenty-two south, range one east.

Southeast quarter northeast quarter, east half southeast quarter, southwest quarter southeast quarter, section thirty-one, township twenty-two south, range two east.

Southeast quarter, southeast quarter northeast quarter, section eleven; west half southwest quarter, southeast quarter southwest quarter, section twelve; northwest quarter northeast quarter, southeast quarter northeast quarter, southwest quarter southeast quarter, northeast quarter southwest quarter, section thirteen; north half northeast quarter, southwest quarter northeast quarter, northeast quarter northwest quarter, east half southwest quarter, section fourteen; southeast quarter southeast quarter section twenty-two; east half west half, southwest quarter southwest quarter, section twenty-three, township twenty-three south, range one east.

Northeast quarter northeast quarter section six, township twenty-three south, range two east.

Northwest quarter southwest quarter section three; northwest quarter southwest quarter, southeast quarter southwest quarter, southeast quarter southeast quarter, section eleven; east half southwest quarter, southwest half southeast quarter southeast quarter, section twelve, the last forty being divided by a line drawn from the northwest corner to the southeast corner, northwest quarter northeast quarter, southeast quarter northeast quarter, northwest quarter southwest quarter, southwest quarter southeast quarter, section thirteen; northwest quarter northeast quarter, southeast quarter northeast quarter, northeast quarter northwest quarter, northeast quarter southwest quarter, section fourteen; southwest quarter northeast quarter, and lot two, section fifteen; northeast quarter southeast quarter section twenty-one; northwest quarter northwest quarter, southwest quarter northeast quarter, section twenty-three; northwest quarter southwest quarter; southwest quarter northeast quarter, section twenty-four; northwest quarter northwest quarter section twenty-five; north half northeast quarter section twenty-six, township twenty-four south, range one east.

Lot three, south half northwest quarter section four; northeast quarter northwest quarter, northeast quarter southwest quarter, section nine; northwest quarter northwest quarter, southwest quarter

northeast quarter, northeast quarter southeast quarter, southeast quarter southwest quarter, section sixteen; northwest quarter southeast quarter, northeast quarter northwest quarter, southwest quarter northwest quarter, section seventeen; northeast quarter northeast quarter, northeast quarter northwest quarter, section eighteen, township twenty-four south, range two east, of the Salt Lake meridian, within the Fishlake National Forest: *Provided*, That the Attorney General of the United States shall certify that a good and sufficient title to the reconveyed lands will vest in the Government: *And provided*, That the lands reconveyed to the United States shall forthwith become a part of the Fishlake National Forest. (July 28, 1914, 38 Stat. 556.)

799. Florida National Forest.—That the Secretary of the Interior, for the purpose of consolidating the forest lands belonging to the United States within the Florida National Forest, be, and he is hereby, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Florida National Forest for privately owned lands of approximately equal value, as determined by the Secretary of Agriculture, within the exterior limits of said national forest, which lands upon the consummation of the exchange shall become a part of the Florida National Forest. (July 3, 1916, 39 Stat. 344.)

800. Glacier National Park.—That the Secretary of the Interior, for the purpose of eliminating private holdings within the Glacier National Park and the preservation intact of the natural forest along the roads in the scenic portions of the park, both on patented and park lands, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private or State ownership within the boundaries of said park within townships thirty-two and thirty-three north, ranges eighteen and nineteen west of Montana principal meridian, by the exchange of dead, decadent, or matured timber of approximately equal values that can be removed from any part of the park without injuriously affecting the scenic beauty thereof; or upon the approval of the Secretary of Agriculture, the timber to be selected or exchanged may be taken from the Government lands within the metes and bounds of the national forests within the State of Montana. (Mar. 3, 1917, sec. 1, 39 Stat. 1122.)

801. Ascertainment of value of lands and timber to be exchanged.—That the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of the timber on park lands, or on Government lands within the metes and bounds of the national forests within the State of Montana, proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior and the Secretary of Agriculture may jointly in their discretion direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands; and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and if the value of timber on park lands or on the Government lands in the national forests within the State of Montana exceeds the value

of the patented lands deeded to the Government in exchange, such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any timber is removed, and shall be deposited and covered into the Treasury as miscellaneous receipts: *Provided*, That the lands conveyed to the Government under this Act shall become a part of the Glacier National Park. (Mar. 3, 1917, sec. 2, 39 Stat. 1122.)

**802. Payment for damage in removal of timber.**—That all timber on Government lands in the park must be cut and removed under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park or the national forests in consequence of the cutting and removal of the timber therefrom shall be borne by the owners of the patented lands, and bonds satisfactory to the Secretary of the Interior and the Secretary of Agriculture, jointly, must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior so far as the same relates to lands within a national park and by the Secretary of Agriculture where the same relates to lands in the national forests: *Provided further*, That the Secretary of Agriculture and the Secretary of the Interior shall jointly report to Congress in detail the factors upon which valuations were made. (Mar. 3, 1917, sec. 3, 39 Stat. 1122.)

**803. Kansas National Forest.**—That the Secretary of the Interior, for the purpose of consolidating the forest lands belonging to the United States within the Kansas National Forest, be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Kansas National Forest for privately owned lands lying within the exterior limits of the said national forest: *Provided*, That the lands so exchanged shall be equal in area and substantially equal in value: *And provided further*, That upon the consummation of such exchange the land deeded to the United States thereunder shall become a part of the Kansas National Forest. (Feb. 28, 1911, 36 Stat. 960.)

**804. Lincoln National Forest.**—That whenever the owner or owners of any privately owned lands, situated within township eighteen south, range eleven east, or townships fifteen, sixteen, seventeen, eighteen, and nineteen south, range twelve east, New Mexico principal meridian, within the county of Otero and State of New Mexico, and within the present boundaries of the Lincoln National Forest, shall submit to the Secretary of Agriculture a proposal for the exchange of said lands for lands upon the public domain situated in the county of Otero and State of New Mexico, and such Secretary shall be of opinion that the acquirement of the same by the United States for national forest purposes would be beneficial thereto, he is hereby authorized and empowered to transmit to the Secretary of the Interior such offer so made to him, together with such recommendations as he may see proper to make in connection therewith, together with a description of the property included in such offer and an estimate of the commercial or other value thereof, intrinsically or otherwise; and if he shall recommend the acquirement of the same by the United States under the provisions hereof, then, and in such event, the Secretary of the Interior shall be, and hereby is, authorized and empowered in his discretion to enter into and conclude negotia-

tions with such owner or owners thereof and in exchange for such designated privately owned lands, and upon conveyance by the owner or owners thereof to the United States by a good and sufficient deed, to cause to be patented to such owner or owners such acreage of non-mineral, nonirrigable grazing lands not suitable for agricultural purposes except for raising grass, situated within the said county of Otero, State of New Mexico, of equal total value, as near as he may be able to determine, to the lands so conveyed to the United States. (Feb. 14, 1923, sec. 1, 42 Stat. 1245.)

805. Same; lands to become part of.—That any lands, conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of such Lincoln National Forest. (Feb. 14, 1923, sec. 2, 42 Stat. 1246.)

806. Same; publication of notice of exchange.—That before any exchange of lands as above provided is effected, notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated. (Feb. 14, 1923, sec. 3, 42 Stat. 1246.)

807. Same; additional exchange.—That whenever the owner or owners of any privately owned lands, situated within townships 16 and 17 south, range 13 east, New Mexico principal meridian, within the county of Otero and State of New Mexico, and within the present boundaries of the Lincoln National Forest, shall submit to the Secretary of Agriculture a proposal for the exchange of said lands for lands upon the public domain situated elsewhere in the State of New Mexico, and such Secretary shall be of opinion that the acquirement of the same by the United States for national-forest purposes would be beneficial thereto, he is hereby authorized and empowered to transmit to the Secretary of the Interior such offer so made to him, together with such recommendations as he may see proper to make in connection therewith, together with a description of the property included in such offer and an estimate of the commercial or other value thereof, intrinsically or otherwise; and if he shall recommend the acquirement of the same by the United States under the provisions hereof, then, in such event, the Secretary of the Interior shall be, and hereby is, authorized and empowered, in his discretion, to enter into and conclude negotiations with such owner or owners thereof, and in exchange for such designated privately owned lands, and upon conveyance by the owner or owners thereof to the United States by a good and sufficient deed, to cause to be patented to such owner or owners such acreage of nonmineral, nonirrigable grazing lands not suitable for agricultural purposes, except for raising grass, situated within the said State of New Mexico, of equal value, as near as he may be able to determine, to the lands so conveyed to the United States. (Feb. 7, 1929, sec. 1, 45 Stat. 1154.)

808. Same; lands to become part of.—That any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of such Lincoln National Forest. (Feb. 7, 1929, sec. 2, 45 Stat. 1154.)

809. Same; publication of notice of exchange.—That before any exchange of lands as above provided is effected, notice of such exchange proposal describing the lands involved therein shall be published

once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated. (Feb. 7, 1929, sec. 3, 45 Stat. 1154.)

**810.** Same; law made applicable to exchanges.—That the provisions of section 2 of the Act of Congress approved February 28, 1925 (43 Stat. 1090; U. S. C., title 16, sec. 486), authorizing reservations by either party to an exchange under the act of Congress approved March 20, 1922 (42 Stat. 465; U. S. C., title 16, sec. 485), are hereby extended and made applicable to exchanges of lands under the Acts of Congress approved February 14, 1923 (42 Stat. 1245), and February 7, 1929 (45 Stat. 1154), which authorize the United States to acquire privately owned lands situated within certain townships in the Lincoln National Forest in the State of New Mexico, by exchanging therefor an equal value of unreserved and unappropriated public lands within said State. (June 25, 1935, Public 164, 74th Cong.)

**811.** Malheur National Forest.—That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept, on behalf of the United States, title to any lands in private ownership within the exterior boundaries of the Malheur National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national-forest purposes, and, in exchange therefor, may issue patent for an equal value of national forest land in the State of Oregon; or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of timber from any national forest in the State of Oregon, the values in each instance to be determined by the Secretary of Agriculture and be acceptable to the owners as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Malheur National Forest. (Mar. 8, 1922, 42 Stat. 416.)

**812.** Manti National Forest.—That the Secretary of the Interior is hereby authorized in his discretion to accept title to the following-described lands either in whole or in part upon ascertainment that said lands are equal in value to the lands to be given in exchange therefor: The south half of sections 1 and 2, township 20 south, range 2 east of the Salt Lake guide meridian, and to issue to the Gunnison-Mayfield Land and Grazing Company, a corporation, in lieu thereof patents to the following-described areas or to such part thereof as is approximately equal in value to the lands conveyed: The southwest quarter of the northwest quarter of section 22, the southeast quarter of the northeast quarter, the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 21 and the north half of the northwest quarter of section 33, township 19 south, range 2 east, and lot 4 and the north half of the southwest quarter of section 3, the northeast quarter, the southeast quarter and the southwest quarter of section 4, the southeast quarter of the southeast quarter of section 5, the east half of the northeast quarter and the east half of the southeast quarter, the northwest quarter of the northeast quarter and the southwest quarter of the southeast quarter of section 8, township 20 south, range 2 east, Salt Lake meridian: *Provided*, That the lands conveyed to the

Government shall thereupon become parts of the Manti National Forest and subject to all laws and regulations applicable thereto: *Provided further*, That patents be issued only on the surface rights of any of said lands which are included in coal-land withdrawal. (Mar. 26, 1928, 45 Stat. 370.)

**813. Medicine Bow National Forest.**—That upon delivery to the Secretary of the Interior by Leo Sheep Company, of Rawlins, Wyoming, of its properly executed deed or deeds conveying to the United States of America the lands of Leo Sheep Company in sections 11 and 15, the north half of section 23, and the north half of the south half of section 23, township 18 north, range 82 west of the sixth principal meridian, containing approximately one thousand seven hundred and sixty acres, within the Medicine Bow National Forest, Wyoming, the said company shall be authorized and permitted to select not to exceed an equal value of public lands of the United States within townships 13, 14, and 15, in range 90 west of the sixth principal meridian, in Carbon County, Wyoming: *Provided*, That in the opinion of the Secretary of Agriculture the interests of the United States will be benefited by such exchange of lands: *And provided further*, That the lands proposed to be conveyed to the United States are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes. (Apr. 13, 1926, sec. 1, 44 Stat. 248.)

**814. Patent to Leo Sheep Co.**—That when the title to the lands herein described shall have revested in the United States pursuant to the foregoing provisions, and selection of lands in lieu thereof has been made as above by Leo Sheep Company, the Secretary of the Interior shall cause a patent to issue conveying such selected lands to Leo Sheep Company, but in such patent there shall be reserved to the United States all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same. (Apr. 13, 1926, sec. 2, 44 Stat. 248.)

**815. Lands to become part of national forest within boundaries of which situated.**—That lands conveyed to the United States under the provisions of this Act shall, upon acceptance of title, become a part of the national forest within the exterior boundaries of which they are situated, and shall be subject to the control of the Secretary of Agriculture. (Apr. 13, 1926, sec. 3, 44 Stat. 248.)

**816. Montezuma National Forest.**—That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any land free and clear of all incumbrances within the Montezuma National Forest, or within section twenty-three, township thirty-seven north, range fourteen west, New Mexico principal meridian, within the State of Colorado, which in the opinion of the Secretary of Agriculture are chiefly valuable for national forest purposes, or for the protection of stream flow, and in exchange therefor may issue patent for not to exceed an equal value of such national forest land, or to exchange timber within the said national forest, as may be determined by the Secretary of Agriculture to be of approximately equal value and acceptable to the owner or owners as fair compensation, considering any reservations which either the grantor or the Government may make of timber, minerals, or easements. Timber given by the Government in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary

of Agriculture. All lands conveyed by the United States under this Act shall, upon acceptance thereof, become a part of the Montezuma National Forest and subject to all laws affecting national forests. (Feb. 27, 1921, 41 Stat. 1148.)

**817. Ochoco National Forest.**—That for the purpose of consolidating the forest lands belonging to the United States within the Ochoco National Forest, Oregon, the Secretary of the Interior be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Ochoco National Forest for privately owned lands of substantially equal value and area lying within the exterior limits of said national forest: *Provided*, That upon consummation of an exchange hereunder the lands acquired by the United States shall thereby become a part of said Ochoco National Forest. (June 24, 1912, 38 Stat. 387.)

**818. Oregon National Forest.**—That for the purpose of consolidating forest lands belonging to the United States within the Oregon National Forest, the Secretary of the Interior be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange, upon the basis of equal value, lands belonging to the United States in the Oregon National Forest for privately owned lands lying within the exterior limits of the Oregon National Forest; and upon the consummation of such exchanges the lands deeded to the United States shall become parts of the Oregon National Forest. (Sept. 8, 1916, 39 Stat. 846.)

**819. Oregon National Forest.**—That the Secretary of the Interior be, and he hereby is, authorized and empowered, in his discretion, upon the recommendation of the Secretary of Agriculture, to exchange, upon the basis of equal value, nonmineral lands or timber belonging to the United States in the Oregon National Forest for privately owned lands lying within the exterior limits of the Oregon National Forest, and that upon the consummation of such exchanges the lands deeded to the United States shall become parts of the Oregon National Forest, and the Secretary of the Interior shall issue patents to the selected lands. (May 20, 1920, 41 Stat. 605.)

**820. Paulina National Forest.**—That the Secretary of the Interior, for the purpose of consolidating the forest lands belonging to the United States within the Paulina (Oregon) National Forest, be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Paulina (Oregon) National Forest for privately owned lands lying within the exterior limits of the said national forest: *Provided*, That the lands so exchanged shall be equal in area and substantially equal in value: *And provided further*, That upon the consummation of such exchange the land deeded to the United States thereunder shall become a part of the Paulina (Oregon) National Forest. (July 25, 1912, 37 Stat. 200.)

**821. Pecos National Forest.**—That the Secretary of Agriculture, for the purpose of increasing the area of the timberland included within the Zuni National Forest by the addition thereto of certain privately owned timberland lying within the exterior limits of the said national forest, be, and the same is hereby, authorized and empowered, in his discretion, in behalf of the United States, to exchange timber

within the Pecos national forest in New Mexico for privately owned timberlands embraced in the odd-numbered sections of township eleven north, range twelve west, New Mexico principal meridian, which are now within the exterior limits of the Zuni National Forest, New Mexico: *Provided*, That such exchange shall be made under the following conditions: The saw timber on such private lands shall be exchanged for the saw timber on such national forest lands, thousand feet for thousand feet; cordwood and posts from piñon and cedar on such private lands shall, after estimate and appraisal by forest officers, be exchanged for an equivalent value of national forest timber at an appraisal of not less than two dollars and fifty cents per thousand feet board measure; and the privately owned land at a valuation of not more than sixty-two and one-half cents per acre shall be exchanged for an equivalent value of national forest timber at an appraisal of not less than two dollars and fifty cents per thousand feet board measure: *Provided*, That the Attorney General of the United States shall first pass upon the title of the privately owned land to be exchanged under the provisions of this bill: *Provided further*, That the national forest timber to be so exchanged shall be cut under the rules and regulations promulgated by the Secretary of Agriculture for the cutting of timber on the national forests, and that the time within which such timber shall be removed shall be determined by the said Secretary of Agriculture: *And provided further*, That the land deeded to the United States under the provisions of this Act shall forthwith become a part of the Zuni National Forest. (Aug. 22, 1912, 37 Stat. 323.)

**822. Rainier National Forest.**—That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States title to any lands not in Government ownership within the Rainier National Forest if, in the opinion of the Secretary of Agriculture, such lands are chiefly valuable for national-forest purposes, and in exchange therefor may issue patent for not to exceed an equal value of Government land within any national forest within the State of Washington, or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of national-forest timber in any national forest in the State of Washington, the values in each instance to be determined by the Secretary of Agriculture and to be acceptable to the owner as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Rainier National Forest. (Dec. 20, 1921, 42 Stat. 350.)

**823. Same.**—That the Secretary of the Interior be, and he is hereby, authorized to accept on behalf of the United States title to any lands not in Government ownership in sections three, five, seven, nine, eleven, fifteen, seventeen, nineteen, twenty-one, twenty-three, twenty-seven, twenty-nine, and thirty-one in township fourteen north, range four east, Willamette meridian; sections thirteen and twenty-five in township fourteen north, range three east, Willamette meridian; and sections twenty-one, twenty-seven, twenty-nine, thirty-three, and thirty-five in township fifteen north, range four east, Willamette meridian, within the Rainier National Forest which, in the opinion

of the Secretary of Agriculture, are chiefly valuable for national-forest purposes, and in exchange therefor may give not to exceed an equal value of such Government timber or land in any national forest in the State of Washington as may be determined by the Secretary of Agriculture and acceptable to the owner as fair compensation, considering any reservations which the Government may make. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Rainier National Forest. (Mar. 4, 1921, 41 Stat. 1366.)

824. Sierra National Forest.—That for the purpose of preserving scenic features and consolidating certain forest lands belonging to the United States within the Sierra National Forest and the Yosemite National Park, California, the Secretary of the Interior be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, and after obtaining and accepting for the Government of the United States of America a valid title to the land to be acquired, which title shall be approved by said Secretary of the Interior, to exchange lands belonging to the United States which are a part of the Sierra National Forest for privately owned timber lands of approximately equal value lying within the boundaries of said Sierra National Forest and the said Yosemite National Park: *Provided*, That upon the consummation of an exchange hereunder the lands acquired by the United States within the boundaries of the Sierra Forest shall become a part of that national forest and that within the boundaries of the Yosemite National Park shall become a part of that park: *Provided further*, That only the following privately owned lands in the Sierra National Forest may be acquired by the United States under the exchange: North half southeast quarter and southeast quarter southeast quarter section thirty-four southwest quarter southwest quarter section thirty-five, and all of section thirty-six, township four south, range twenty east, Mount Diablo meridian; east half northeast quarter and south half southwest quarter section thirty-two, west half northwest quarter section thirty-three, township four south, range twenty-one east, Mount Diablo meridian; southeast quarter section one, southeast quarter southeast quarter (lot sixteen) section eleven, lots three and four, southwest quarter northwest quarter, southwest quarter, and southeast quarter section twelve, lots two, five, six, and seven, section thirteen, township five south, range twenty east, Mount Diablo meridian; lots two and six, section five, portion northwest quarter northwest quarter south of traverse, southwest quarter northwest quarter, portion southeast quarter northwest quarter west of traverse, northeast quarter southwest quarter, southeast quarter southwest quarter, and that portion of the southeast quarter west of the traverse, section eight, portion of northwest quarter, northeast quarter west of traverse, southwest quarter northeast quarter, portion of southeast quarter northeast quarter west of traverse, and portion of east half southeast quarter west of traverse, section seventeen, portion of northeast quarter northeast quarter west of traverse, portion southeast quarter northeast quarter west of traverse, and portion of east half southeast quarter west of traverse, section twenty, township five south, range twenty-one east, Mount Diablo meridian; and that only the north-

east quarter section thirty-six, township four south, range twenty-one east, Mount Diablo meridian, in the Yosemite National Park, may be acquired by the United States under the exchange; and that only the following lands may be given in exchange by the United States: West half lot nine and west half southwest quarter section three; portion of lots four and five south of traverse, section five; portions of lots one, two, three, and five south of the traverse; portion of lot six east of traverse; lots seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and portions of lot twenty north of traverse, section six; portion of the north half northeast quarter north of traverse line, section seven; north half northeast quarter, southwest quarter, northeast quarter, and north half northwest quarter, section ten; southwest quarter northwest quarter and northwest quarter southwest quarter, section eleven, southwest quarter northeast quarter and southeast quarter northwest quarter, section thirteen, portion of southwest quarter northeast quarter east of traverse, section twenty, township five south, range twenty-one east, Mount Diablo meridian; southwest quarter southwest quarter section nine, northeast quarter northeast quarter (lot one) section seventeen, lot five, section eighteen, southwest quarter southwest quarter and southeast quarter southwest quarter, section nineteen, southwest quarter northwest quarter section twenty-eight, northwest quarter northeast quarter section twenty-nine, southwest quarter northeast quarter, northeast quarter northwest quarter, southwest quarter northwest quarter, southeast quarter northwest quarter, lot one, northeast quarter, southwest quarter, northwest quarter southwest quarter, southeast quarter southwest quarter, west half southeast quarter, and southeast quarter southeast quarter, section thirty, township five south, range twenty-two east, Mount Diablo meridian; northeast quarter southeast quarter and south half southeast quarter, section two, north half northeast quarter section eleven, northwest quarter northeast quarter, south half northeast quarter, and northwest quarter, section twelve, township six south, range twenty-one east, Mount Diablo meridian; northeast quarter northwest quarter and south half northwest quarter, section seven, township six south, range twenty-two east, Mount Diablo meridian. (May 13, 1914, 38 Stat. 376.)

**825. Same.**—That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the Sierra National Forest, California, if in the opinion of the Secretary of Agriculture the public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor may give not to exceed an equal value of such national forest land or timber within the national forests of California as may be determined by the Secretary of Agriculture, and in determining the relative values of the lands or timber to be exchanged, consideration shall be given to any reservations which either party may make of timber, minerals, or easements.

Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United

States under this Act shall, upon acceptance of title, become a part of the Sierra National Forest. (June 5, 1920, 41 Stat. 980.)

**826. South Dakota.**—That upon recommendation of the Secretary of Agriculture, the Secretary of the Interior may patent to the State of South Dakota not to exceed one thousand six hundred acres of nonmineral national forest lands not otherwise appropriated or withdrawn within the areas set aside by the President under the authority of section 1: *Provided*, That the State of South Dakota conveys to the Government good and sufficient title to other lands of equal value owned by the State and lying within the exterior boundaries of a national forest in the State of South Dakota and approved by the Secretary of Agriculture as equally desirable for national forest purposes, the lands thus conveyed to the Government to become a part of the national forest: *Provided, however*, That this authority shall not operate to restrict any selection rights which the State may have or may be hereafter granted, excepting as to the specific lands conveyed to the Government under authority of this Act. (June 5, 1920, 41 Stat. 986.)

**827. Wenatchee, Olympic, and Snoqualmie National Forests.**—That within the following described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes may be offered in exchange under the provisions of the Act of March 20, 1922 (Public, 173) [16 U. S. C., sec. 485], upon notice as therein provided and upon acceptance of title shall become parts of the Wenatchee National Forest, the Olympic National Forest, and the Snoqualmie National Forest, respectively, and any of such described areas in Government ownership chiefly valuable for national-forest purposes and not now parts of any national forest may be added to said national forests as herein provided by proclamation of the President, subject to all valid existing entries: To the Wenatchee National Forest, township twenty north, range thirteen east, west half of township and sections one, three, ten, south half of fourteen, fifteen, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five, and thirty-six; township twenty north, range fourteen east, sections one, three, four, five, six, seven, eight, nine, ten, fifteen, sixteen, south half of section twenty-nine, south half of section thirty, sections thirty-one, thirty-two, and thirty-three; township twenty north, range fifteen east, sections two, three, four, five, six, eight, nine, ten, eleven, twelve, thirteen, fourteen, and fifteen; township twenty-one north, range fifteen east, sections twelve, thirteen, fourteen, fifteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, north half of twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-four; township twenty north, range sixteen east, sections one, two, three, seven, south half of section eight, north half of sections eleven, twelve, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, north half of section twenty-two; township twenty-one north, range sixteen east, sections four, seven, nine, ten, fifteen, eighteen, nineteen, east half of section twenty-one, twenty-two, twenty-seven, east half of section twenty-eight, thirty, east half of section thirty-three, and thirty-four; township twenty north, range seventeen east, sections four, seven, eight, nine, ten, eleven, twelve,

fourteen, fifteen, sixteen, seventeen, north half of section eighteen, twenty-five, twenty-six, thirty-five, and thirty-six; township twenty-three north, range eighteen east, sections three, four, five, six, seven, eight, nine, seventeen, eighteen, twenty, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five, and thirty-six; township twenty-four north, range eighteen east, sections thirty, thirty-one, thirty-three, and south half of section thirty-four; township twenty north, range nineteen east; township twenty-two north, range nineteen east, sections two, three, four, five, six, seven, eight, nine, ten, eleven, fourteen, fifteen, sixteen, seventeen, eighteen, and south half of township; township twenty-three north, range nineteen east, sections nineteen, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five; township twenty-five north, range nineteen east; township twenty-six north, range nineteen east; township twenty-seven north range nineteen east; township twenty north, range twenty east; township twenty-one north, range twenty east, sections six, seven, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six; township twenty-five north, range twenty east, sections five, six, seven, eight, sixteen, seventeen, eighteen, nineteen, twenty, and twenty-one; township twenty-six north, range twenty east, sections one to sixteen, inclusive, twenty-one to twenty-seven, inclusive, thirty, thirty-one, thirty-two, thirty-five, and thirty-six; township twenty-seven north, range twenty east; all Willamette principal meridian.

To the Olympic National Forest, all of section one, township twenty-four north, range three west, except lot one; the southeast quarter of the northeast quarter, the northeast quarter of the southeast quarter, the southwest quarter of the southwest quarter, and lot one, section six, township twenty-four north, range two west, and a permanent right-of-way for a logging road twenty-five feet wide across lot one, section one, in township twenty-four north, range three west;

To the Snoqualmie National Forest, sections twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-three, thirty-four, thirty-five, and thirty-six, township twenty-three north, range nine east, Willamette principal meridian. (Sept. 22, 1922, 42 Stat. 1036.)

**828. Whitman National Forest.**—That the Secretary of the Interior be, and hereby is, authorized to accept on behalf of the United States title to any lands in private ownership within established boundaries of the said Whitman National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for the production of timber or the protection of stream flow, and in lieu thereof may give in exchange such Government timber in or near the Whitman National Forest as may be determined by the Secretary of Agriculture to be of approximately equal value; and any reconveyed lands shall, upon acceptance, become subject to all laws affecting national forests. (Sept. 8, 1916, 39 Stat. 852.)

**829. Same.**—That within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may

be offered in exchange under the provisions of the Act of March 20, 1922 (Forty-second Statutes at Large, page 465) [16 U. S. C., secs. 485, 486], upon notice as therein provided, and upon acceptance of title, shall become parts of Whitman National Forest, Oregon, and any of such described areas in Government ownership chiefly valuable for national-forest purposes and not now parts of a national forest may be added to the Whitman National Forest by proclamation of the President, subject to all valid existing claims:

In township 9 south, range 36 east: Section 13, section 24, east half of section 36.

In township 9 south, range 37 east: Sections 19 to 22, inclusive; sections 27, 28, 30, and 31; northeast quarter of section 33; sections 34 to 36, inclusive.

In township 9 south, range 38 east: Sections 31 to 33, inclusive.

In township 9 south, range 39 east: South half of section 8; sections 15 to 17, inclusive; sections 21 and 22; sections 27 to 29, inclusive; sections 32 to 34, inclusive.

In township 10 south, range 37 east: Section 1; north half of section 2; northwest quarter, south half of section 5; sections 6 to 8, inclusive; northwest quarter, south half of section 9; west half of section 15; sections 16 to 22, inclusive; sections 26 to 36, inclusive.

In township 10 south, range 38 east: Sections 1 to 6, inclusive; sections 10 to 14, inclusive; north half, southeast quarter of section 24; sections 25 to 27, inclusive; northeast quarter, east half of northwest quarter, south half of section 28; sections 31 to 36, inclusive.

In township 10 south, range 39 east: Northwest half of section 3; sections 4 to 9, inclusive; sections 17 to 20, inclusive; sections 29 to 32, inclusive.

In township 11 south, range 35½ east: Section 4.

In township 11 south, range 37 east: Sections 1 to 30, inclusive; sections 34 to 36, inclusive.

In township 11 south, range 38 east: Sections 1 to 30, inclusive; northeast quarter of section 32; sections 33 to 35, inclusive.

In township 11 south, range 39 east: Sections 5 to 9, inclusive; south half of section 10; sections 13 to 28, inclusive; west half of northwest quarter of section 29; north half southwest quarter of section 30; sections 33 to 36, inclusive.

In township 11 south, range 40 east: Sections 16 to 21, inclusive; sections 28 to 33, inclusive.

In township 12 south, range 39 east: Sections 1 to 3, inclusive; sections 10 to 12, inclusive; east half of section 13.

In township 12 south, range 40 east: Sections 4 to 9, inclusive; sections 16 to 18, inclusive.

All of Willamette meridian. (Mar. 4, 1925, 43 Stat. 1282.)

**830. Willamette National Forest.**—That any lands which are in private ownership within the following-described area, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended by the Act of February 28, 1925 (43 Stat. 1090), and upon acceptance of title shall become parts of the Willamette National Forest; and, by proclamation of the President of the United States and upon recommendation of the Secretary of Agriculture, any lands in public

ownership within such described area, not now within the national forest, found to be chiefly valuable for national-forest purposes, may be added to the Willamette National Forest, subject to any valid existing claims. Townships 16 and 17 south, ranges 3 and 4 east, and sections 31, 32, 33, 34, 35, and 36 in township 15 south, range 3 east, of the Willamette meridian.

Any lands within the above-described area which are part of the land grant to the Oregon and California Railroad Company, title to which revested in the United States under Act of June 9, 1916 (39 Stat. 218), shall remain subject to all laws relating to said revested land grant. (June 13, 1935, Public, 130, 74th Cong.)

#### *Addition of Other Lands to National Forests*

**831. Absaroka National Forest.**—That, subject to all valid existing claims and entries under the land laws of the United States, all unreserved and unappropriated public lands of the United States situated east of the Yellowstone River, in townships 8 and 9 south, ranges 7, 8, and 9 east, Montana principal meridian, State of Montana, and any lands acquired under the provisions of this Act are hereby added to and made parts of the Absaroka National Forest, subject to all laws and regulations relating to the national forests, and the east bank of the Yellowstone River is hereby established as the western boundary of said Absaroka National Forest in the townships above described. (May 26, 1926, sec. 4, 44 Stat. 656.)

**832. Ashley National Forest.**—That, subject to existing valid claims, the following described lands be, and the same are hereby, added to the Ashley National Forest in the State of Wyoming, and made subject to all laws applicable to the national forests:

West half east half, west half section 4; sections 5 and 6 and that part of sections 7 and 8 not within the Ashley National Forest; west half east half, west half and lots 6, 7, and 8, section 9; west half northeast quarter and west half section 16, all in township 12 north, range 114 west, sixth principal meridian.

Sections 1 to 10, inclusive; that part of sections 11 and 12 not within the existing Ashley National Forest; sections 15 to 21, inclusive; fractional sections 28, 29, and 30, all in township 12 north, range 115 west, sixth principal meridian.

Sections 1 to 29, inclusive, all in township 12 north, range 116 west, sixth principal meridian.

Sections 30, 31, and 32; west half, west half east half section 33, all in township 13 north, range 114 west, sixth principal meridian.

East half east half, west half southeast quarter, east half southwest quarter, southwest quarter southwest quarter section 25; south half southeast quarter section 26; sections 31, 35, and 36; west half, southwest quarter northeast quarter, southeast quarter section 32; south half section 33; southwest quarter, east half northwest quarter, east half section 34, all in township 13 north, range 115 west, sixth principal meridian.

South half south half section 30; sections 31 and 36; south half, south half north half, northwest quarter northeast quarter, north half northwest quarter section 32; east half, south half southwest quarter, northeast quarter southwest quarter, southeast quarter

northwest quarter section 35, all in township 13 north, range 116 west, sixth principal meridian. (Jan. 26, 1931, 46 Stat. 1040.)

**833. Boise National Forest.**—That the following-described lands are hereby added to the Boise National Forest, Idaho, and made subject to all laws applicable to national forests:

Sections 2 to 11, inclusive; sections 14, 15, 16, 21, 22, 23, and 26, township 2 south, range 9 east, Boise meridian.

Sections 2, 3, 10, 11, and 12, township 1 south, range 7 east, Boise meridian.

Sections 1 to 5, inclusive; north half northeast quarter southeast quarter northeast quarter and lots 1, 4, and 5, section 6; sections 7 to 26, inclusive; and sections 35 and 36, township 1 south, range 8 east, Boise meridian.

All of township 1 south, range 9 east, Boise meridian.

Sections 1 to 32, inclusive, township 1 south, range 10 east, Boise meridian.

Sections 3, 4, 5, and 6, township 1 south, range 11 east, Boise meridian.

Sections 1, 2, 3, 4, 5, east half sections 6 and 7; sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, east half section 18; sections 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, and 36, township 1 north, range 6 east, Boise meridian.

Sections 1, 2, 3, 7; east half east half northwest quarter and lots 1, 2, 5, and 6, section 10; sections 11, 12, 13, 14, northeast quarter northeast quarter and lots 1, 4, 5, and 6, section 15; sections 18, 19, 20, northeast quarter northeast quarter northwest quarter, northeast quarter southeast quarter and lots 1, 4, 5, and 9, section 23; north half and lots 1, 2, 3, and 4, section 24; and sections 29 to 33, inclusive, township 1 north, range 7 east, Boise meridian.

North half section 5; sections 6 and 7; sections 13 to 18, inclusive; all of section 19 excepting lot 4; sections 20 to 29, inclusive; north half northeast quarter southeast quarter northeast quarter and lots 1, 5, 6, and 11, section 30; east half southeast quarter southwest quarter southeast quarter southeast quarter northeast quarter and lots 1, 6, 7, and 10, section 31; and sections 32 to 36, inclusive, township 1 north, range 8 east, Boise meridian.

Section 11; sections 14 to 36, inclusive, township 1 north, range 9 east, Boise meridian.

Sections 19 to 36, inclusive, township 1 north, range 10 east, Boise meridian.

South half township 1 north, range 11 east, Boise meridian.

Sections 1 to 11 inclusive, and sections, 17 18, 19, 20, 29, and 30, township 1 north, range 12 east, Boise meridian.

Section 1; east half sections 2 and 11; sections 12 and 13; and east half section 14, township 2 north, range 4 east, Boise meridian.

Sections 1 to 28, inclusive; east half section 29; and section 36, township 2 north, range 5 east, Boise meridian.

Section 1; northeast quarter northeast quarter southeast quarter and lots 3, 4, 6, 7, and 10, section 2; sections 5 to 9, inclusive; lot 1, section 11; east half, northeast quarter northwest quarter and lots 2, 4, 7, and 10, section 12; east half and lots 2, 5, 8, and 11, section 13; sections 16 to 21, inclusive; northwest quarter northeast quarter and lots 1, 2, 5, 6, 7, 8, and 11, section 24; lots 1 and 4,

section 25; and sections 27 to 35, inclusive, township 2 north, range 6 east, Boise meridian.

Sections 3 to 28, inclusive; north half, north half southeast quarter, southeast quarter southeast quarter and lots 1, 2, 3, section 29; north half and lots 3, 4, 5, and 6, section 30; lots 1 and 2, section 32; north half north half and lots 1, 2, 3, 4, and 5, section 33; and sections 34, 35, and 36, township 2 north, range 7 east, Boise meridian.

Sections 7, 16, 18, 19, 21; southwest quarter section 22; west half section 27; sections 28, 29, 30, 31, 32; north half section 33; and northwest quarter section 34, township 2 north, range 8 east, Boise meridian.

South half section 25; and section 36, township 2 north, range 9 east, Boise meridian.

Sections 4 and 5, township 2 north, range 10 east, Boise meridian.

East half and southwest quarter section 14; east half section 23; sections 24 and 25; east half sections 26 and 35; and section 36, township 3 north, range 4 east, Boise meridian.

All of township 3 north, range 5 east, Boise meridian.

Section 6 and south half of township 3 north, range 6 east, Boise meridian.

North half section 30 and south half section 32, township 3 north, range 7 east, Boise meridian.

South half section 1; sections 2, 3, 10; north half sections 11 and 12; sections 15, 16, 21, 22, 27, 28, 33, and 34, township 3 north, range 10 east, Boise meridian.

Sections 4 and 5; south half section 6; and north half section 7, township 3 north, range 11 east, Boise meridian.

Southwest quarter section 19; west half sections 30 and 31; northeast quarter south half section 32; and sections 33 and 36, township 4 north, range 5 east, Boise meridian.

Sections 13, 23, 24, 26, 27, 28, 29, 30, and 31, township 4 north, range 6 east, Boise meridian.

Sections 7, 8, and 18, township 4 north, range 7 east, Boise meridian.

Sections 4, 8, 9, 15, 16, 21, 27, 28, and 34, township 4 north, range 10 east, Boise meridian; not heretofore included within the Boise National Forest, Idaho, all ranges east Boise meridian: *Provided*, That the inclusion of these lands in the Boise National Forest shall not affect adversely any valid entry or settlement claim existing prior to the passage of this Act. (July 1, 1930, 46 Stat. 841.)

834. Same.—That, subject to existing valid claims or entries and withdrawals, the following-described lands are hereby added to the Boise National Forest, Idaho, and made subject to all laws applicable to national forests:

Sections 25 and 26; east half section 27; east half section 34; and section 35, township 8 north, range 5 east, Boise meridian.

Sections 1 and 2; sections 11 to 14, inclusive; sections 23 to 27, inclusive; and sections 34 to 36, inclusive; township 7 north, range 3 east, Boise meridian.

Sections 1, 2, and 3; sections 6 and 7; sections 10 to 13, inclusive; and sections 15 to 36, inclusive; township 7 north, range 4 east, Boise meridian.

Sections 1 and 2; sections 4 to 28, inclusive; and sections 30 to 36, inclusive; township 7 north, range 5 east, Boise meridian.

Sections 1 to 3, inclusive; sections 10 to 15, inclusive; sections 22 to 27, inclusive; and sections 34 to 36, inclusive; township 6 north, range 3 east, Boise meridian.

Sections 1 to 36, inclusive, township 6 north, range 4 east, Boise meridian.

Sections 1 to 21, inclusive; sections 24 and 25; and sections 28 to 36, inclusive; township 6 north, range 5 east, Boise meridian.

Sections 1 to 36, inclusive, township 6 north, range 6 east, Boise meridian.

Sections 1 and 2; sections 11 to 14, inclusive; sections 23 to 26, inclusive; and sections 35 and 36; township 5 north, range 2 east, Boise meridian.

Sections 1 to 36, inclusive, township 5 north, range 3 east, Boise meridian.

Sections 1 to 36, inclusive, township 5 north, range 4 east, Boise meridian.

Sections 1 to 36, inclusive, township 5 north, range 5 east, Boise meridian.

Sections 1 to 6, inclusive; sections 8 to 17, inclusive; sections 21 to 27, inclusive; and sections 35 and 36, township 4 north, range 3 east, Boise meridian.

Sections 1 to 36, inclusive, township 4 north, range 4 east, Boise meridian.

Sections 1, 2, 11, and 12, township 3 north, range 3 east, Boise meridian.

Sections 1 to 13, inclusive; and northwest quarter of section 14; township 3 north, range 4 east, Boise meridian; not heretofore included within the Boise National Forest, Idaho; all ranges east, Boise meridian. (May 17, 1934, 48 Stat. 779.)

**835. Cache National Forest.**—That, subject to any valid existing claim or entry, all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made parts of the Cache National Forest, to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the Act approved March 20, 1922 (42 Stat. 465), as amended [16 U. S. C., secs. 485-486], are hereby extended and made applicable to all other lands within said described areas:

The west half of sections 6, 7, and 18, sections 19, 30, and 31, in township 8 south, range 36 east, Boise meridian; section 6 and the west half of sections 7, 18, 19, and 30, in township 9 south, range 36 east of Boise meridian; sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, in township 8 south, range 35 east, Boise meridian; sections 1, 2, 10, 11, 12, 13, 14, 23, 24, 25, and 26, in township 9 south, range 35 east of Boise meridian, Idaho. (Feb. 25, 1932, 47 Stat. 54.)

**836. Caribou National Forest.**—That any lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Caribou National Forest, Idaho, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: Sections twenty-six and

twenty-seven, township nine south, range forty-six east, Boise meridian; northwest quarter of section one, all of section two, east half of section twelve, all of sections thirteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, township ten south, range forty-five east, Boise meridian; all of sections six, seven, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five, township ten south, range forty-six east, Boise meridian, unsurveyed; all of sections one, two, eleven, twelve, thirteen, fourteen, east half of section twenty-three, all of twenty-four, twenty-five, and thirty-six, township eleven south, range forty-five east, Boise meridian; all of unsurveyed township eleven south, range forty-six east, Boise meridian; all of section thirty-six, township twelve south, range forty-five east, Boise meridian; all of sections two, three, four, five, six, seven, eight, nine, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-nine, thirty, thirty-one, thirty-two, of township twelve south, range forty-six east, Boise meridian, partly unsurveyed; all of sections five and six, and north half of section seven, and north half of section eight, township thirteen south, range forty-six east, Boise meridian: *Provided*, That the inclusion of any of the aforesaid lands in the Caribou National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this Act. (June 5, 1920, 41 Stat. 1056.)

**837. Same.**—That the following-described lands, to wit, the west half of section twenty-three and all of sections twenty-six and thirty-five, township eleven south, range forty-five east, Boise meridian; also sections one and two east half of section ten, sections eleven to fourteen, inclusive, east half of section fifteen, east half of section twenty-two, sections twenty-three to twenty-six, inclusive, east half of section twenty-seven, and sections thirty-one to thirty-five, inclusive, township twelve south, range forty-five east, Boise meridian; also sections one to five, inclusive, north half of section ten, north half of section eleven, and north half of section twelve, township thirteen south, range forty-five east, Boise meridian, be, and the same are hereby reserved and withdrawn from entry and made a part of and included in the Caribou National Forest, subject to all prior valid adverse rights. (Apr. 14, 1914, 38 Stat. 346.)

**838. Challis National Forest.**—That the following-described lands are hereby added to the Challis National Forest, Idaho, subject to any valid existing claim or entry, and made subject to all laws made applicable to national forests:

All unreserved lands lying south of Salmon River in townships 10 and 11 north, range 16 east, Boise meridian.

Township 10 north, range 17 east, Boise meridian: Sections 1, 2, 3, 4, 5, 6, 10, 11, 12, 15, and 22; west half section 23; sections 26, 27, and 34; west half section 35.

Township 10 north, range 18, east, Boise meridian: South half section 4; sections 5, 6, 7, 8, 9, and 10; west half section 15; sections 16, 17, 18, 20, and 21.

Township 9 north, range 17 east, Boise meridian: Sections 3, 17, 20; south half section 23; sections 24, 25, and 26; east half section 27; sections 29, 32, 33, 34, 35, and 36.

Township 9 north, range 18 east, Boise meridian: Sections 17 to 36, inclusive.

Township 9 north, range 19 east, Boise meridian: Sections 21, and 28 to 33, inclusive.

Township 8 north, range 17 east, Boise meridian: Sections 4, 5, 8, and 9.

Township 8 north, range 18 east, Boise meridian: Sections 1 to 5, inclusive.

Township 8 north, range 19 east, Boise meridian: Section 6. (Apr. 10, 1928, 45 Stat. 415.)

**839. Challis and Sawtooth National Forests.**—That subject to any valid existing claim or entry, all lands of the United States within the areas hereafter described be, and the same are hereby, added to and made parts of the Challis and Sawtooth National Forests, Idaho, to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the Act approved March 20, 1922 (Forty-second Statutes, page 465), as amended, are hereby extended and made applicable to all other lands within said described areas:

West half section 6, west half section 8, west half section 17, west half section 20, township 8 north, range 14 east, Boise meridian; sections 1, 12, 13, 24, and 25, township 9 north, range 13 east, Boise meridian; west half section 7, west half section 18; west half section 19, west half section 30, west half section 31, township 9 north, range 14 east, Boise meridian; sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, and 24, township 10 north, range 12 east (unsurveyed), Boise meridian; section 1, east half section 2, west half section 6, section 7, east half section 11, sections 12, 13, 14, 18, and 19, west half northwest quarter, and south half section 20, south half southwest quarter, south half southeast quarter, section 21, sections 23, 24, 25, and 26, south half northeast quarter, northwest quarter, south half section 27, sections 28, 29, 35, and 36, township 10 north, range 13 east, Boise meridian; lot 2 section 25, lots 4 and 5, northeast quarter southeast quarter, south half southeast quarter section 35, lots 1, 4, and 5, northeast quarter northeast quarter, south half northeast quarter, south half section 36, township 11 north, range 13 east, Boise meridian; lots 5, 6, 8, 12, and 13, south half southeast quarter section 30, lots 1, 2, 3, and 4, east half northwest quarter, east half southwest quarter, east half section 31, township 11 north, range 14 east, Boise meridian. (Apr. 10, 1928. 45 Stat. 415.)

**840. Cochetopa National Forest.**—That the following-described lands be, and the same are hereby, added to and made a part of the Cochetopa National Forest in the State of Colorado and are hereafter to be administered under the laws and regulations relating to the national forests:

Township 12 south, range 79 west, sixth principal meridian: West half and southeast quarter section 16; all of sections 17 and 21; west half and southeast quarter section 22; and all of section 27.

Township 13 south, range 76 west, sixth principal meridian: Northeast quarter section 31; and west half northwest quarter section 32.

Township 13 south, range 77 west, sixth principal meridian: West half and southeast quarter section 14; northeast quarter section 15;

east half section 23; west half northwest quarter and west half southwest quarter section 24.

Township 13 south, range 79 west, sixth principal meridian: West half section 22; west half section 27; all of section 34.

Township 14 south, range 79 west, sixth principal meridian: All of sections 3 and 10; west half, west half northeast quarter, and west half southeast quarter section 11; and all of section 35.

Township 15 south, range 76 west, sixth principal meridian: East half and southwest quarter section 10; west half section 11; west half and southeast quarter section 14; all of sections 15, 21, 22, 23, 26, and 27; east half section 28; east half section 33; all of sections 34 and 35; and west half section 36.

Township 15 south, range 78 west, sixth principal meridian: South half southwest quarter section 7; west half section 18; west half section 19; west half section 30; west half and southeast quarter section 31; and southwest quarter section 32.

Township 15 south, range 79 west, sixth principal meridian: South half northeast quarter, south half northwest quarter, and south half section 1; all of section 2; east half section 11; all of sections 12 and 13; northeast quarter section 14; all of section 24; and north half section 25.

Township 44 north, range 4 east, New Mexico principal meridian: North half sections 3 and 4.

Township 44 north, range 6 east, New Mexico principal meridian: Sections 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, and 24.

Township 45 north, range 4 east, New Mexico principal meridian: Sections 2, 11, 14, and 23.

Township 45 north, range 5 east, New Mexico principal meridian: East half section 32; sections 33, 34, 35, and 36.

Township 45 north, range 7 east, New Mexico principal meridian: Section 12.

Township 45 north, range 8 east, New Mexico principal meridian: Sections 17 and 18.

Township 46 north, range 5 east, New Mexico principal meridian: Section 19; west half, north half northeast quarter section 20; west half northwest quarter section 30.

Township 46 north, range 6 east, New Mexico principal meridian: Sections 4, 5, 8, 9, 11, 16, and 17.

Township 46 north, range 8 east, New Mexico principal meridian: Section 1; north half section 12; southwest quarter northwest quarter, west half southwest quarter section 13; northwest quarter southwest quarter, south half southwest quarter section 17; south half northeast quarter, southeast quarter section 18; east half section 19; northwest quarter, south half section 20; north half sections 22 and 23; northwest quarter northwest quarter section 24; section 29; east half section 30; northeast quarter section 31; and north half section 32.

Township 47 north, range 8 east, New Mexico principal meridian: Southwest quarter, west half southeast quarter section 2; west half, west half east half section 11; west half, west half east half section 14; west half section 24; sections 25 and 36.

Township 48 north, range 3 east, New Mexico principal meridian: Southeast quarter section 25; southwest quarter section 26; sections 27 and 28; north half, southeast quarter section 33.

Township 48 north, range 4 east, New Mexico principal meridian: Sections 1, 2, and 3; east half, east half west half, northwest quarter northwest quarter section 10; sections 11, 12, 13, and 14; northeast quarter, north half southeast quarter, southeast quarter southeast quarter section 15; sections 23, 24, 25, and 26; east half, southwest quarter section 27; south half section 28; east half southeast quarter section 29; southwest quarter section 30.

Township 48 north, range 5 east, New Mexico principal meridian: West half section 3; sections 4 and 9; west half section 10; sections 15, 16, 17, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 35, and 36.

Township 48 north, range 7 east, New Mexico principal meridian: Section 1.

Township 48 north, range 8 east, New Mexico principal meridian: Sections 5, 6, 8, and 17.

Township 49 north, range 4 east, New Mexico principal meridian: Sections 25, 26, 27; east half section 28; sections 34, 35, and 36.

Township 49 north, range 5 east, New Mexico principal meridian: Section 16; east half section 17; northeast quarter section 20; section 21; west half sections 22 and 27; sections 28 and 33; west half section 34.

Township 49 north, range 7 east, New Mexico principal meridian: Sections 10, 15, 24, 25, and 36.

Township 49 north, range 8 east, New Mexico principal meridian: Sections 19, 20, 29, 30, 31, and 32.

Township 50 north, range 7 east, New Mexico principal meridian: Sections 1, 12; north half, southwest quarter, west half southeast quarter section 13; sections 14 and 23.

Township 50 north, range 8 east, New Mexico principal meridian: East half section 1; east half section 12.

Township 50 north, range 9 east, New Mexico principal meridian: All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and east half section 22; sections 23, 24, 25, and 26; east half section 27; section 36.

Township 50 north, range 10 east, New Mexico principal meridian: Entire township.

Township 51 north, range 8 east, New Mexico principal meridian: Section 19; east half section 25; section 30; east half section 36.

Township 51 north, range 9 east, New Mexico principal meridian: Entire township.

Township 51 north, range 10 east, New Mexico principal meridian: Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, and 22; west half section 23; sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.

*Provided*, That the inclusion of any of the aforesaid land in the Cochetopa National Forest shall not affect adversely any right existing under the public-land laws at the date of the approval of this Act. (May 3, 1934, 48 Stat. 658.)

**841. Colorado and Pike National Forests.**—That any lands within the following-described areas, found to be chiefly valuable for the production of timber or the protection of stream flow, may be included within and made parts of the Colorado or Pike National Forests by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests, and as otherwise provided herein.

Sixth principal meridian and base, State of Colorado:

Township one north, range seventy-one west: Sections twenty-nine to thirty-two, inclusive.

Township one north, range seventy-two west: Sections one to eleven, inclusive; sections fourteen to twenty-three, inclusive; sections twenty-five to twenty-eight, inclusive; sections thirty-three to thirty-six, inclusive.

Township two north, range seventy-one west; Sections two to ten, inclusive; sections fifteen to twenty-two, inclusive; sections twenty-seven to thirty-four, inclusive.

All of township two north, range seventy-two west.

Township two north, range seventy-three west: All of section thirty-six.

Township three north, range seventy-one west: Sections four to nine, inclusive; sections seventeen to twenty-one, inclusive; sections twenty-six to twenty-nine, inclusive; north half of section thirty; south half of section thirty-one; sections thirty-two to thirty-five, inclusive.

Township three north, range seventy-two west; Sections one to thirty-five, inclusive.

Township three north, range seventy-three west: Sections one, two, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five, and thirty-six.

Township four north, range seventy-one west: Sections three to ten, inclusive; west half of section fourteen; sections fifteen to twenty-three, inclusive; sections twenty-six to thirty-three, inclusive.

Township four north, range seventy-two west: Sections one to five, inclusive; east half of section six; east half of section seven; sections eight to thirty, inclusive; that portion of section thirty-one lying north and east of the main hydrographic divide east of Cow Creek; sections thirty-two to thirty-six, inclusive.

Township four north, range seventy-three west: All those portions of sections ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-two, twenty-three, twenty-four, twenty-five, and thirty-six lying north and east of the divide between Aspen Brook and Fish Creek, Aspen Brook and Lily Lake, and of the main hydrographic divide east of Cow Creek.

Township five north, range seventy west: Sections four to nine, inclusive; sections seventeen and eighteen; north half of section nineteen; north half of section twenty.

Township five north, range seventy-one west: Sections one to fourteen, inclusive; north half and southeast quarter of section fifteen; sections seventeen to twenty-one, inclusive; sections twenty-seven to thirty-four, inclusive; west half of section thirty-five.

Township five north, range seventy-two west: Sections one to five, inclusive; sections ten to fifteen, inclusive; sections twenty-one to twenty-eight, inclusive; east half of section thirty-two; sections thirty-three to thirty-six, inclusive.

Township six north, range seventy west: Sections seven, eight, seventeen, eighteen, nineteen, and twenty; west half of section twenty-one; west half of section twenty-eight; sections twenty-nine to thirty-three, inclusive.

All of township six north, range seventy-one west.

Township six north, range seventy-two west: Sections one, twelve, thirteen, fourteen, and fifteen; sections twenty-two to twenty-eight, inclusive; sections thirty-two to thirty-six, inclusive.

Township seven north, range seventy west: Sections two to eleven, inclusive; sections fourteen to thirty, inclusive; north half of section thirty-two; sections thirty-three, thirty-four, and thirty-five.

Township seven north, range seventy-one west: Sections one to thirty-five, inclusive.

Township seven north, range seventy-two west: All of section one; east half of section two; sections ten to fifteen, inclusive; sections twenty-two, twenty-three, twenty-four, twenty-five, and thirty-six.

Township eight north, range seventy west: West half of section four; sections five to eight, inclusive; west half of section nine; sections seventeen to twenty-two, inclusive; sections twenty-seven to thirty-five, inclusive.

All of township eight north, range seventy-one west.

Township eight north, range seventy-two west: All of section one.

Township nine north, range seventy west: Sections seven to ten, inclusive; sections fourteen to twenty-three, inclusive; sections twenty-eight to thirty-three, inclusive.

Township nine north, range seventy-one west: Sections twelve and thirteen; sections twenty-four to thirty-six, inclusive.

All of township nine north, range seventy-two west.

Township nine north, range seventy-three west: Sections one to six, inclusive; sections nine to sixteen, inclusive; sections twenty-one to twenty-eight, inclusive; sections thirty-three to thirty-six, inclusive.

Township ten north, range seventy-two west: Sections two to eleven, inclusive; north half of section twelve; sections fourteen to twenty-four, inclusive; sections twenty-six to thirty-five, inclusive.

All of township ten north, range seventy-three west.

Township ten north, range seventy-four west: Sections one to four, inclusive; sections ten, eleven, twelve, thirteen, twenty-four, and twenty-five.

Township eleven north, range seventy-two west: Sections two to eleven, inclusive; north half of section twelve; sections fourteen to twenty-four, inclusive; sections twenty-six to thirty-four, inclusive.

All of township eleven north, range seventy-three west.

Township eleven north, range seventy-four west: Sections two to six, inclusive; sections eight to thirty-six, inclusive.

Township eleven north, range seventy-five west: Sections six, seven, eight, and fourteen; sections seventeen to thirty-one, inclusive.

Township twelve north, range, seventy-two west: Fractional sections nineteen and twenty; sections twenty-eight to thirty-four, inclusive.

Township twelve north, range seventy-four west: Fractional sections twenty-three and twenty-four; section twenty-six.

Township one south, range seventy-one west: Sections four to seven, inclusive; west half and northeast quarter of section eight; north half of section nine; west half of section seventeen; sections eighteen and nineteen; west half of section twenty; northwest quarter of section twenty-nine; north half of section thirty.

Township one south, range seventy-two west: Sections one to four, inclusive; sections nine to sixteen, inclusive; sections twenty-one to twenty-eight, inclusive; sections thirty-one to thirty-six, inclusive.

Township two south, range seventy-one west: Sections two to ten, inclusive.

Township two south, range seventy-two west: Sections one to twelve, inclusive.

*Provided*, That the Secretary of the Interior may, in his discretion, continue thereafter to allow additional entries, within the previously described areas, under the provisions of section three of the Act approved February nineteenth, nineteen hundred and nine, entitled "An Act to provide for an enlarged homestead", as amended by the Act approved March third, nineteen hundred and fifteen (Thirty-eight Statutes, page nine hundred and fifty-six). Sept. 8, 1916, 39 Stat. 848.)

**842. Colorado National Forest.**—That those portions of the following-described tracts now within the Rocky Mountain National Park be, and are hereby, transferred to the Colorado National Forest and shall hereafter be subject to all laws relating to the use and administration of the national forests: Section 10; northwest quarter of southeast quarter, southwest quarter of the northeast quarter, and the southwest quarter of section 11; northwest quarter of the northeast quarter, north half of the northwest quarter, and the southwest quarter of the northwest quarter of section 15; and the northeast quarter of the section 16; township 6 north, range 75 west, sixth principal meridian. (June 2, 1924, 43 Stat. 252.)

**843. Colville National Forest.**—That, subject to any valid existing claim or entry, all lands of the United States within the areas hereafter described be, and the same are hereby, added to and made parts of the Colville National Forest, Washington, to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the Act approved March 20, 1922 (Forty-second Statutes, page 465), as amended [16 U. S. C., secs. 485–486], are hereby extended and made applicable to all other lands within said described areas: East half section 9, north half section 15, south half section 17, sections 20, 29, and 30, township 36 north, range 34 east, Willamette meridian. (Mar. 4, 1927, 44 Stat. 1412.)

**844. Crater National Forest.**—That for the purpose of forest management and municipal watershed protection the boundary of the Crater National Forest, in the State of Oregon, is hereby changed to include the following lands, subject to all the laws and regulations governing the national forests: Township 35 south, range 3 east, south half of sections 15, 16, and 17; all of sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36; township 36 south, range 3 east, all of sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36: *Provided*, That this section shall, as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose, be subject to and shall not interfere with or defeat rights under such appropriation, nor prevent the use for such public purposes of lands so reserved so long as such appropriation is legally maintained

or such reservation remains in force. (Apr. 23, 1928, sec. 1, 45 Stat. 450.)

**845.** Same; lands to become subject to laws and regulations governing national forests; value of lands to be certified to Secretary of Treasury.—That all revested Oregon and California land-grant lands within the exterior limits of the above-described tract of townships 35 and 36 south, range 3 east, shall hereby become part of the Crater National Forest, subject to all the laws and regulations governing the national forests: *Provided*, That this action shall, as to all lands which are now at this date legally appropriated under the public-land laws or reserved for any public purpose, be subject to and shall not interfere with or defeat legal rights under such appropriation, nor prevent the use for such public purpose of land so reserved so long as such appropriation is legally maintained or such reservation remains in force: *And provided further*, That the Secretaries of the Interior and Agriculture shall jointly appraise and agree on the value of the Oregon and California grant lands and shall certify the same to the Secretary of the Treasury. (Apr. 23, 1928, sec. 2, 45 Stat. 450.)

**846.** Same; money to be credited to Oregon-California land-grant fund.—That the Secretary of the Treasury be, and hereby is, authorized upon notice of the amount by the Secretaries of the Interior and Agriculture, to transfer an equal amount of money from the national-forest receipts and credit the same to the Oregon and California land-grant fund, subject to all the laws and regulations governing the disposal of moneys received from the Oregon and California land-grant lands. (Apr. 23, 1928, sec. 3, 45 Stat. 450.)

**847. Fremont National Forest.**—That, subject to any valid existing claim or entries, all lands of the United States in the areas herein-after described be, and the same are hereby, added to and made parts of the Fremont National Forest to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the Act approved March 20, 1922 [16 U. S. C., secs. 485, 486], entitled "An Act to consolidate national-forest lands", as amended, are hereby extended and made applicable to all other lands within the said described area:

Sections 31 and 32, township 25 south, range 10 east; township 26 south, ranges 9, 10, 11, and 12 east; township 27 south, ranges 9, 10, 11, and 12 east; township 28 south, ranges 9, 10, 11, and 12 east; all Willamette base and meridian. (May 14, 1930, 46 Stat. 278.)

**848.** Same.—That the President of the United States be, and hereby is, authorized to revise the boundaries of the Fremont National Forest in the State of Oregon so as to include within that national forest, subject to valid existing claims, such lands within the State of Oregon as he considers desirable for the production of timber, the protection of stream flow, and/or the regulation and improvement of the grazing resources: *Provided*, That the boundaries of said national forest shall not be extended more than six miles from the present boundaries thereof or from the north boundary of the Modoc National Forest: *And provided further*, That the lands of the United States which may be given a national-forest status under the provisions of this Act shall not exceed two hundred and fifty thousand acres. All lands included within the boundaries of the Fremont

National Forest under authority of this Act shall thereupon become subject to all laws relating to the national forests. (Apr. 14, 1933, Public 161.)

**849. Gallatin National Forest.**—That, subject to all valid existing claims and entries under the land laws of the United States, all unreserved and unappropriated public lands of the United States situated west of the Yellowstone River, in townships 8 and 9 south, ranges 7 and 8 east, Montana principal meridian, State of Montana, and any lands acquired under the provisions of this Act, are hereby added to and made parts of the Gallatin National Forest, subject to all laws and regulations relating to the national forests, and the east bank of the Yellowstone River is hereby established as the eastern boundary of said Gallatin National Forest in the townships above described. (May 26, 1926, sec. 5, 44 Stat. 656.)

**850. Gunnison National Forest.**—That the following-described public lands be, and the same are hereby, added to and made a part of the Gunnison National Forest, Colorado, and are to be hereafter administered under the laws and regulations relating to the national forests:

Township 14 south, range 85 west, sixth principal meridian: North half northeast quarter, southeast quarter of section 26; all of section 35.

Township 15 south, range 83 west, sixth principal meridian: West half northeast quarter, west half southeast quarter, northeast quarter southeast quarter of section 7; south half northeast quarter, southeast quarter, east half southwest quarter of section 8; all of section 17; northwest quarter, west half northeast quarter, southeast quarter northeast quarter, south half southeast quarter, northwest quarter southwest quarter, south half southwest quarter of section 18; all of section 19.

Township 15 south, range 84 west, sixth principal meridian: East half of section 7; all of section 13; south half of section 14, southeast quarter of section 15; east half of section 22; all of section 23; all of section 24; northeast quarter of section 27: *Provided*, That the inclusion of any of the aforesaid land in the Gunnison National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this Act. (Apr. 23, 1928, 45 Stat. 451.)

**851. Same.**—That for the purpose of protecting, improving, and utilizing their forest, watershed, and other resources, all lands of the United States, within the following-described areas, are hereby, subject to existing valid claims, added to and made a part of the Gunnison National Forest, and the provisions of the Forest Exchange Act of March 20, 1922 [16 U. S. C., secs. 485, 486], are hereby extended to said lands:

Township 51 north, range 1 west, sections 9 to 16, inclusive, 23, 24, 25, 26, 36; township 51 north, range 1 east, sections 7 to 36, inclusive; township 50 north, range 2 east, unsurveyed sections 1 to 16, inclusive, 22, 23, 24; township 51 north, range 2 east, unsurveyed sections 7, 8, 9, 16 to 21, inclusive, 28 to 33, inclusive; township 49 north, range 3 east, unsurveyed sections 1, 2, 11, 12; township 50 north, range 3 east, unsurveyed sections 1 to 27, inclusive, 34, 35, 36; township 48 north, range 4 east, sections 1, 2, 11, and 12; township 49 north, range 4 east, unsurveyed sections 2, 7, 8, 9, 10, 12, 15, 16, 17,

18, 20, 21, 22, 25, 27, 28, 33, 34, 35, 36; township 48 north, range 4½ east, sections 1, 12, 13, all New Mexico principal meridian.

Township 15 south, range 84 west, west half section 7, southwest quarter section 15, sections 16 to 21, inclusive, west half section 22, south half and northwest quarter section 27, sections 29 to 34, inclusive; township 14 south, range 85 west, north half section 4, sections 5, 6, west half section 19, sections 30, 31; township 15 south, range 85 west, sections 1, 2, 5, 6, 7, 8, 9, 16 to 21, inclusive, 28 to 33, inclusive; township 13 south, range 86 west, sections 22, 26, 27, east half section 28, east half section 33, sections 34, 35; township 14 south, range 86 west, south half and northwest quarter section 13, sections 14, 15, sections 24, 25, 36; township 15 south, range 86 west, sections 1, 2, 3, lots 1, 7, and 8, section 4, lots 1 and 4, section 9, sections 10 to 14, inclusive, north half section 23, sections 24, 25, 34, 35, 36, all sixth principal meridian, consisting of a total of approximately two hundred and sixty thousand acres. (Mar. 4, 1933, 47 Stat. 1569.)

**852. Helena National Forest.**—That the following-described lands be, and the same are hereby, added to and made a part of the Helena National Forest, in the State of Montana, and are hereafter to be administered subject to the laws and regulations relating to the national forests: North half and south half southwest quarter section 14, and north half and south half southwest quarter section 22, all in township 14 north, range 6 west, Montana meridian. (Apr. 23, 1930, 46 Stat. 250.)

**853. Idaho National Forest.**—That, subject to the approval of the Secretary of the Interior, all public lands in central Idaho within the tract commonly known as the Thunder Mountain region, bounded by the Idaho, Salmon, Challis, and Payette National Forests, are hereby reserved and set apart as national forest lands, as follows, subject to all valid existing claims, and the said lands shall hereafter be subject to all laws affecting the national forests: That part of the said tract lying north of the fourth standard parallel north, Boise meridian and base, is hereby added to and made a part of the Idaho National Forest; and that part of the said tract lying south of the said fourth standard parallel is hereby added to and made a part of the Payette National Forest. (Oct. 29, 1919, 41 Stat. 324.)

**854. Same.**—That the following-described areas be, and the same are hereby, included in and made a part of the Idaho National Forest, subject to all prior adverse rights; and the said lands shall hereafter be subject to all laws affecting national forests: All of the eastern two-thirds of townships 24 and 25 north, range 4 east, all of townships 24 north, ranges 5 and 6 east, except sections 7 to 10 inclusive, 15 to 22 inclusive, and 27 to 34 inclusive of township 24 north, range 5 east, and all of townships 25 north, ranges 5 and 6 east, which are not already embraced in the Nez Perce National Forest; all Boise meridian. (Apr. 10, 1928, 45 Stat. 415.)

**855. Same.**—That the following-described areas be, and the same are hereby, included in and made a part of the Idaho National Forest, subject to all prior adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests: All township 23 north, ranges 2 and 3 east, and that part of the west half of township 24 north, range 4 east, which is not already included

in the Nez Perce National Forest; all Boise meridian. (June 30, 1932, 47 Stat. 474.)

**856.** Inyo, Santa Barbara, Angeles, Sequoia National Forests; lands granted for canals, etc.—That there is hereby granted to the city of Los Angeles, California, a municipal corporation of the State of California, all necessary rights-of-way, not to exceed two hundred and fifty feet in width, over and through the public lands of the United States in the counties of Mono, Inyo, Kern, and Los Angeles, State of California, and over and through the Inyo and Santa Barbara National Forests, and that portion of the Angeles National Forest situate and lying west of range six west, San Bernardino meridian, as established by the United States public land survey, and that portion of the Sequoia National Forest east of the crest of the Sierra Nevada Mountains, in said State, for the purpose of constructing, operating, and maintaining such canals, ditches, pipes and pipe lines, flumes, tunnels, and conduits for conveying water to the city of Los Angeles as have been heretofore constructed, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water power and electric plants whenever said city shall have filed as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps showing the boundaries, locations, and extent of said proposed rights-of-way for the purposes hereinabove set forth: *Provided, however,* That the grant hereby made shall not apply to lands located in the drainage basin of Kern River or in that portion of Mono County lying north and west of the Owens River drainage basin, and embracing Mono Lake drainage basin and Adobe Valley and Black Lake drainage basin, or to lands located upon Bishop Creek or its branches in Inyo County, or to lands in the Fish Slough Reservoir site in the counties of Inyo and Mono, in said State, or to any lands which may be found to have been illegally purchased from the United States by said city, or to any lands the title to which was on the 31st day of October, 1919, or is now forfeitable to the United States by force of any Act of Congress. (June 30, 1906, sec. 1, 34 Stat. 801; June 5, 1920, sec. 1, 41 Stat. 983.)

**857.** Same; maps.—That on or before the 31st day of December 1922, the city of Los Angeles shall file with the register of the United States land offices in the districts where the lands traversed by said rights-of-way are located, a map or maps showing the boundaries, locations, and extent of said proposed rights-of-way, for the purposes stated in section 1 of this act, and there shall also be filed within that time all desired changes of location, the amended map or maps necessary to show such changes of location to be filed in the same manner and subject to the same approval as are the original map or maps of location, but no construction work shall be commenced on any of said lands until the map or maps have been filed as herein provided and until said map or maps and the proposed plan of development

have been approved by the Secretary of the Interior, and the approval by the Secretary of the Interior of any amended map or maps showing changes of location of said rights-of-way shall operate as an abandonment ipso facto by the city of Los Angeles, to the extent of such change or changes, of the rights-of-way indicated on the original map or maps: *Provided*, That any rights inuring to the City of Los Angeles under this Act shall, on approval by the Secretary of the Interior of the map or maps and the plan of development referred to, relate back to the date of the filing of said map or maps with the register of the United States land office, as provided herein: *Provided*, That during the period allowed the city of Los Angeles for filing maps or applications under this Act, the head of the department having jurisdiction over the lands may grant easements or permits for rights-of-way under any Act of Congress now in force or hereafter enacted, for pipes, pipe lines, canals, ditches, flumes, tunnels, or reservoirs for the conveyance, delivery, or storage of water for irrigation, mining, or domestic purposes, or for the generation of electric power, including rights-of-way for the construction of power plants, towers, transmission and distribution lines, for the generation and delivery of electricity, if after affording the city an opportunity to be heard, such head of department shall find that the easement or permit may be granted without destruction of or material interference with the works constructed or proposed to be constructed by the city and for which application is filed by said city within ninety days of notice of the possibly conflicting application: *Provided further*, That all rights-of-way herein and hereby granted and all other rights-of-way hereafter granted under general laws, for the purposes herein enumerated, over lands within the operation of this Act, shall be with the reservation of the power to thereafter grant other rights-of-way by easement or permit, conflicting with such prior grants or permits for the purpose of permitting crossing of rights-of-way, including rights-of-way for roads, or for limited distances necessary common use of prior rights-of-way, under such conditions as the head of the department shall find necessary and shall determine to be properly protective against interference with and not detrimental to the construction, operation, and maintenance of the works of prior grantees or permittees. (June 30, 1906, sec. 2, 34 Stat. 801; June 5, 1920; sec. 2, 41 Stat. 984.)

**858.** Same; prior claims, rights, etc., not impaired.—That the rights-of-way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however*, That this Act shall not apply to any lands embraced in rights-of-way heretofore approved under any Act of Congress, nor affect the adjudication of any pending applications for rights-of-way by the owner or owners of existing water rights, and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right-of-way shall be interfered with or abridged, except with the consent of the owner

or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant: *Provided*, That the lands, affected hereby shall in accordance with existing law continue to be subject to applications for homesteads, for rights-of-way for canals, ditches, or reservoirs, for the conveyance, delivery, or storage of water for irrigation, if same be filed in the proper United States land office prior to the filing of maps by the city of Los Angeles, showing the boundaries, location, and extent of the rights-of-way sought by said city, and the consideration and adjudication of such applications by the department having jurisdiction thereof shall be wholly upon the merits of such applications, unaffected by any possible conflict with the plans of said city: *And provided further*, That the grant hereby made shall not apply to any lands or right-of-way included in any application filed by, and thereafter approved to, any person or corporation for the development and transmission of hydroelectric power in connection with any project upon which actual construction work was being performed prior to June 30, 1906, on that portion of Owens River lying above the confluence of Rock Creek and said river, and locally known as Owens River Gorge, and upon which portion construction work may have been carried on continuously since that date: *Provided*, That such applications for rights-of-way over or the right to use lands shall be filed within six months from the date of the passage of this Act: *And provided further*, That any approval of rights-of-way for reservoir purposes for the storage of water for use in whole or in part for the generation of electric power, under the provisions of this Act, shall contain the express condition that such reservoirs shall not, without the consent of the parties having irrigation rights which would be affected by such storage, be used in such manner as will interfere with the use of such stored water for irrigation purposes, unless provision shall be made by said city for secondary storage for such irrigation use. (June 30, 1906, sec. 3, 34 Stat. 801; June 5, 1920, sec. 3, 41 Stat. 984.)

**859. Grantee to conform to forest-reserve regulations.**—That the city of Los Angeles shall conform to all regulations adopted and prescribed by the Secretary of Agriculture governing the forest reserves, and shall not take, cut, or destroy any timber within the forest reserves, except such as may be actually necessary to remove to construct its power plants and structures, poles, and flumes, storage dams, and reservoirs, and it shall pay to the Forest Service of the Department of Agriculture the full value of all timber and wood cut, used, or destroyed on any of the rights-of-way and lands within forest reserves hereby granted: *Provided further*, That the city shall construct and maintain in good repair, bridges or other practicable crossings over its rights-of-way within the forest reserves when and where directed in writing by the Forester of the United States Department of Agriculture, and elsewhere on public lands along the line of said works as required by the Secretary of the Interior; and said grantee shall, as said waterworks are completed, if directed by the Secretary of the Interior, construct and maintain along each side of said right-of-way a lawful fence as defined by the laws of the State of California, with such lanes or crossings for domestic animals as the aforesaid officers shall require: *Provided*

*further*, That the city of Los Angeles shall clear its rights-of-way within forest reserves of any débris or inflammable material as directed by the Forester of the United States Department of Agriculture: *Provided further*, That the said city shall allow any wagon road which it may construct within forest reserves to be freely used by forest officers and the officers of the Interior Department and by the public, and shall allow to the Forest Service of the United States Department of Agriculture and to the officers of the Interior Department, for official business only, the free use of any telephones, telegraphs, or electric railroads it may construct and maintain within the forest reserves or on the public lands, together with the right to connect with any such telephone lines private telephone wires for the exclusive use of said Forest Service or of the Interior Department: *And provided further*, That the Forest Service may, within forest reserves, protect, use, and administer said land and resources within said rights-of-way under forest-reserve laws and regulations, but in so doing must not interfere with the full enjoyments of the right-of-way by the city of Los Angeles: *And provided further*, That in the event that the Secretary of the Interior shall abandon the project known as the Owens River project for the irrigation of lands in Inyo County, California, under the Act of June seventeenth, nineteen hundred and two, the city of Los Angeles, in said State, is to pay to the Secretary of the Interior, for the account of the reclamation fund established by said Act, the amount expended for preliminary surveys, examinations, and river measurements, not exceeding fourteen thousand dollars, and in consideration of said payment the said city of Los Angeles is to have the benefit of the use of the maps and field notes resulting from said surveys, examinations, and river measurements, and the preference right to acquire at any time within three years from the approval of this Act any lands now reserved by the United States under the terms of said reclamation Act in connection with said project, necessary for storage or right-of-way purposes, upon filing with the register and receiver of the land office in the land district where any such lands sought to be acquired are situated a map showing the lands desired to be acquired, and upon the approval of said map or maps by the Secretary of the Interior and upon the payment of one dollar and twenty-five cents per acre to the receiver of said land office title to said land so reserved and filed on shall vest in said city of Los Angeles, and such title shall be and remain in said city only for the purposes aforesaid, and shall revert to the United States in the event of the abandonment thereof for the purposes aforesaid: *Provided, however*, that the terms of this Act shall not apply to any lands upon Bishop Creek or its branches in said county of Inyo. (June 30, 1906, sec. 4, 34 Stat. 802.)

**860. Same; lands to be disposed of subject to easements; forfeiture.**—That all lands over which the rights of way mentioned in this Act shall pass shall be disposed of, subject to such easements: *Provided, however*, That if the construction of said waterworks shall not have been begun in good faith within five years of the date of the approval of this Act, then all rights hereunder shall be forfeited to the United States: *And provided further*, That if any power or electric works or structure to be used in connection therewith shall not be com-

pleted within five years after approval of the map or maps of rights of way for such works or structure as herein provided, or within such additional time as the Secretary of the Interior shall, in his discretion, grant, then such rights herein granted shall be forfeited as to any uncompleted portion of such works or structure, to the extent that the same is not completed at the date of the forfeiture. (June 30, 1906, sec. 5, 34 Stat. 803; June 5, 1920, sec. 4, 41 Stat. 985.)

**861. Same; selling or letting right to water, except to a municipality, prohibited.**—That the city of Los Angeles is prohibited from ever selling or letting to any corporation or individual, except a municipality, the right for such corporation or individual to sell or sublet the water sold or given to it or him by the city. (June 30, 1906, sec. 6, 34 Stat. 803.)

**862. Same; right reserved to amend, alter, or repeal act.**—That the right to amend, alter, or repeal this Act at any time is hereby reserved. (June 30, 1906, sec. 7, 34 Stat. 803.)

**863. Same; state laws not affected.**—That this Act is a grant upon certain expressed conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intended to affect or in anywise to interfere with the laws of the State of California, relating to the control, appropriation, use, or distribution of water used in irrigation, or for municipal or other uses, or any vested right acquired thereunder, and the Secretaries of the Interior and Agriculture, respectively, and the city of Los Angeles, in carrying out the provisions of this Act, shall proceed in conformity with the laws of said State. (June 5, 1920, sec. 8, 41 Stat. 986.)

**864. Lemhi National Forest.**—That all unappropriated public lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Lemhi National Forest, in Idaho, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests:

Boise meridian and base: Township two north, range twenty-three east, sections one, two, three, ten, eleven, and twelve. Township two north, range twenty-four east, sections six and seven. Township three north, range twenty-two east, sections thirteen, fourteen, twenty-three, twenty-four, twenty-five, and twenty-six. Township three north, range twenty-three east, sections twelve, thirteen, nineteen; sections twenty-three to thirty, inclusive; sections thirty-four, thirty-five and thirty-six. Township three north, range twenty-four east, sections one and two; section five, west half; sections six and seven; section eight, west half; sections eleven, twelve, thirteen, and fourteen; section seventeen, west half; sections eighteen and nineteen; section twenty, west half; section twenty-nine, west half; sections thirty and thirty-one. Township four north, range twenty-four east, sections twelve and thirteen; sections twenty-three to twenty-six, inclusive; sections thirty-one, thirty-five, and thirty-six. Township four north, range twenty-five east, sections one to five, inclusive; sections seven to twelve, inclusive; sections seventeen to twenty, inclusive; sections twenty-nine to thirty-two, inclusive. Township four

north, range twenty-eight east, sections two to eleven, inclusive; sections fourteen to twenty-one, inclusive. Township five north, range twenty-four east, sections one to thirty-five, inclusive. Township five north, range twenty-five east, sections four to nine, inclusive; sections seventeen to twenty, inclusive; sections twenty-three to twenty-seven, inclusive; sections thirty-three to thirty-six, inclusive. Township five north, range twenty-six east, sections one, twelve, thirteen, twenty-four, and twenty-five. Township five north, range twenty-seven east, sections three to eleven, inclusive; sections fourteen to thirty, inclusive. Township five north, range twenty-eight east, sections eleven, fourteen, twenty-three, twenty-five to thirty-six, inclusive. Township six north, range, twenty-four east, sections four to nine, inclusive; sections sixteen to thirty-six, inclusive. Township six north, range twenty-six east, sections three, four, nine, ten, eleven, thirteen, fourteen, fifteen, twenty-three, twenty-four, and twenty-five; section twenty-six, east half; section thirty-six, all. Township six north, range twenty-seven east, sections nineteen, thirty, thirty-one, and thirty-two. Township seven north, range nineteen east, sections one to four, inclusive; sections ten to twelve, inclusive. Township seven north, range twenty east, sections one, two, ten, eleven, and twelve. Township seven north, range twenty-one east, sections one to twelve, inclusive. Township seven north, range twenty-two east, sections four to eighteen, inclusive; sections twenty-three and twenty-four. Township seven north, range twenty-three east, sections seventeen to twenty-four, inclusive, sections twenty-eight, twenty-nine, thirty, thirty-two, and thirty-three. Township seven north, range twenty-four east, sections thirteen, nineteen, twenty-four, thirty, and thirty-one. Township seven north, range twenty-five east, sections nineteen, twenty, and twenty-one. Township seven north, range twenty-six east, sections twenty, twenty-eight, twenty-nine, thirty-two, and thirty-three. Township eight north, range nineteen east, sections one to five, inclusive; sections eight to seventeen, inclusive; sections twenty to twenty-nine, inclusive; sections thirty-three to thirty-six, inclusive. Township eight north, range twenty east, sections one to twenty-three, inclusive; sections twenty-eight, twenty-nine, thirty, and thirty-one. Township eight north, range twenty-one east, sections twenty-five, twenty-six, twenty-seven; sections thirty-one to thirty-six, inclusive. Township eight north, range twenty-two east, sections thirty and thirty-one. Township eight north, range twenty-three east, sections four, five, and six; section seven, north half; section eight, north half; section nine, all. Township eight north, range twenty-six east, sections one to four, inclusive; sections ten to thirteen, inclusive. Township eight north, range twenty-seven east, sections five to eight, inclusive; sections seventeen to twenty, inclusive; sections twenty-nine, thirty, and thirty-two. Township nine north, range twenty-two east, sections three, four, eleven, thirteen, fourteen, twenty-three, twenty-four, and twenty-five. Township nine north, range twenty-three east, section thirty-one, all. Township nine north, range twenty-four east, sections one to four, inclusive; section twelve, all. Township nine north, range twenty-five east, sections one to seventeen, inclusive; sections twenty-one to twenty-six, inclusive; sections thirty-five and thirty-six. Township nine north, range twenty-six

east, section ten, south half; sections fourteen, fifteen, and sixteen; sections nineteen to thirty-six, inclusive. Township nine north, range twenty-seven east, sections thirty, thirty-one, and thirty-two. Township nine north, range twenty-nine east, sections four, five, six, and nine; section ten, south half; section eleven, south half. Township nine north, range thirty east, sections one and twelve. Township nine north, range thirty-one east, sections six, seven, eight, sixteen, seventeen, eighteen, and twenty-one. Township ten north, range twenty-two east, sections five to eight, inclusive; sections sixteen, seventeen, twenty, twenty-one, twenty-eight, twenty-nine, and thirty-three. Township ten north, range twenty-nine east, sections seven, eighteen, nineteen, and twenty; sections twenty-nine to thirty-three, inclusive. Township ten north, range thirty east, sections one to four, inclusive; sections nine to sixteen, inclusive; sections twenty-one to twenty-eight, inclusive; sections thirty-four, thirty-five, and thirty-six. Township ten north, range thirty-one east, sections nineteen, thirty, and thirty-one. Township eleven north, range twenty-one east, section four, east half; sections thirteen, fourteen, and fifteen; sections twenty-two to twenty-seven, inclusive; sections thirty-four, thirty-five, and thirty-six. Township eleven north, range twenty-two east, section one, all; sections nineteen, twenty-nine, thirty, thirty-one, and thirty-two. Township eleven north, range twenty-three east, sections five and six. Township eleven north, range thirty east, sections five, six, eight, and seventeen; section twenty, east half; sections twenty-one, twenty-seven, twenty-eight, thirty-three, and thirty-four. Township twelve north, range twenty-one east, sections seven and eighteen; section nineteen, east half; section twenty-nine, all; section thirty-two, north half; section thirty-three, all. Township twelve north, range twenty-two east, section thirty-six, all. Township twelve north, range twenty-three east, section thirty-one, all. Township twelve north, range twenty-four east, sections two and eleven. Township twelve north, range twenty-nine east, sections one to four, inclusive; section nine, east half; sections ten to fifteen, inclusive; section twenty-two, east half; sections twenty-three, twenty-four, and twenty-five; section twenty-six, east half; section thirty-six, all. Township twelve north, range thirty east, sections five to eight, inclusive; sections seventeen to twenty, inclusive; sections twenty-nine to thirty-two, inclusive. Township thirteen north, range twenty-four east, sections five, nine, fifteen, twenty-two, twenty-seven, and thirty-five. Township thirteen north, range twenty-nine east, sections twenty-seven to twenty-nine, inclusive; sections thirty-two to thirty-six, inclusive. Township thirteen north, range thirty east, section thirty-one, all. Township fourteen north, range twenty-three east, sections two to five, inclusive; section eight, east half; sections nine, ten, eleven, thirteen, fourteen, and fifteen; section twenty-four, east half. Township fourteen north, range twenty-four east, sections nineteen, twenty, and twenty-nine; section thirty, east half; section thirty-two, all. Township fifteen north, range twenty-two east, sections three, four, five, eight, nine, ten, thirteen, fourteen, fifteen, twenty-three, twenty-four, and twenty-five. Township fifteen north, range twenty-three east, sections eighteen, nineteen, twenty-eight, twenty-nine, thirty, thirty-two, thirty-three, and thirty-four. Township sixteen north, range twenty-

two east, sections thirty-two, thirty-three, and thirty-four. (Mar. 1, 1921, 41 Stat. 1199.)

**865. Medicine Bow National Forest; game refuge.**—That the President, upon recommendation of the Secretary of Agriculture and the Secretary of the Interior, is hereby authorized to add to the Medicine Bow National Forest the public lands within townships 14 and 15 north, range 77 west, sixth principal meridian, State of Wyoming, which may be determined to be chiefly valuable for national forest purposes, and to designate as a game refuge within such national forest the areas which may be determined to be suitable for the protection and propagation of game animals and birds. (June 7, 1924, sec. 1, 43 Stat. 594.)

**Hunting game animals or birds on designated game refuge, unlawful.**—That it shall be unlawful for any person to hunt, pursue, kill, capture, or molest any game animal or any bird within such designated refuge except in accordance with rules and regulations of the Secretary of Agriculture. (June 7, 1924, sec. 2, 43 Stat. 595.)

**Existing rights not affected.**—That the provisions of this Act shall not affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose, nor the rights of any claimant, locator, or entryman to the full use and enjoyment of such land. (June 7, 1924, sec. 3, 43 Stat. 595.)

**Violation of act, punishment.**—That any person who violates any provision of this Act or of any rule or regulation promulgated hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both. (June 7, 1924, sec. 4, 43 Stat. 595.)

**865a. Same.**—That the following-described lands are hereby added to the Medicine Bow National Forest, Wyoming, and made subject to all laws and regulations applicable to such forest, and subject to all valid existing rights:

Sections 4 to 9, inclusive; sections 17 to 19, inclusive, township 24 north, range 70 west, sixth principal meridian.

Sections 4 to 9, inclusive; section 18, township 25 north, range 70 west, sixth principal meridian.

Sections 6 and 7; sections 19 to 21, inclusive; sections 28 to 33, inclusive, township 26 north, range 70 west, sixth principal meridian.

South half section 7; south half section 8; south half section 9; sections 16 to 19, inclusive; sections 30 and 31, township 27 north, range 70 west, sixth principal meridian.

Sections 6, 7, 18, 19, and 30, township 28 north, range 70 west, sixth principal meridian.

Sections 1 to 4, inclusive; sections 8 to 17, inclusive; sections 20 to 28, inclusive; sections 33 to 36, inclusive, township 24 north, range 71 west, sixth principal meridian.

Sections 1 to 5, inclusive; east half section 6; east half section 7; sections 8 to 16, inclusive; sections 21 to 28, inclusive; sections 33 to 36, inclusive, township 25 north, range 71 west, sixth principal meridian.

Sections 1 to 30, inclusive; east half and east half west half section 31; sections 32 to 36, inclusive, township 26 north, range 71 west, sixth principal meridian.

Sections 3 to 10, inclusive; sections 13 to 36, inclusive, township 27 north, range 71 west, sixth principal meridian.

Sections 1 to 5, inclusive; sections 8 to 15, inclusive; sections 21 to 34, inclusive, township 28 north, range 71 west, sixth principal meridian.

Sections 35 and 36, township 29 north, range 71 west, sixth principal meridian.

Sections 1 to 31, inclusive, township 26 north, range 72 west, sixth principal meridian.

Entire township, township 27 north, range 72 west, sixth principal meridian.

Sections 7 to 10, inclusive; sections 15 to 23, inclusive; sections 25 to 36, inclusive, township 28 north, range 72 west, sixth principal meridian.

Sections 2 and 3, township 25 north, range 73 west, sixth principal meridian.

Entire township, township 26 north, range 73 west, sixth principal meridian.

Entire township, township 27 north, range 73 west, sixth principal meridian.

Entire township, township 28 north, range 73 west, sixth principal meridian.

Sections 5 to 10, inclusive; sections 15 to 22, inclusive; sections 26 to 36, inclusive, township 29 north, range 73 west, sixth principal meridian.

Section 31, township 30 north, range 73 west, sixth principal meridian.

Sections 1, 12, 13, 24, 25, and 36, township 26 north, range 74 west, sixth principal meridian.

Section 1; east half section 11; sections 12 to 14, inclusive; sections 23 to 26, inclusive; north half section 35; section 36, township 27 north, range 74 west, sixth principal meridian.

Section 1; sections 5 to 8, inclusive; sections 12 to 25, inclusive; sections 27 to 31, inclusive; section 36, township 28 north, range 74 west, sixth principal meridian.

Section 1; east half section 2; sections 11 to 14, inclusive; sections 18 and 19; east half section 23; sections 24 and 25; sections 29 to 32, inclusive; section 36, township 29 north, range 74 west, sixth principal meridian.

Section 36, township 30 north, range 74 west, sixth principal meridian.

Sections 1 to 18, inclusive; sections 20 to 28, inclusive; sections 34 to 36, inclusive, township 28 north, range 75 west, sixth principal meridian.

Sections 2 to 36, inclusive, township 29 north, range 75 west, sixth principal meridian.

Sections 3 to 5, inclusive; sections 8 to 11, inclusive; sections 13 to 24, inclusive; sections 26 to 35, inclusive, township 30 north, range 75 west, sixth principal meridian.

Sections 1 to 28, inclusive; sections 35 and 36, township 29 north, range 76 west, sixth principal meridian.

Sections 2 to 10, inclusive; sections 15 to 36, inclusive, township 30 north, range 76 west, sixth principal meridian.

Sections 20 to 22, inclusive; sections 27 to 35, inclusive, township 31 north, range 76 west, sixth principal meridian.

Sections 1 to 3, inclusive; section 12; east half section 13, township 29 north, range 77 west, sixth principal meridian.

Sections 1 to 3, inclusive; east half section 4; east half section 9; sections 10 to 36, inclusive, township 30 north, range 77 west, sixth principal meridian.

East half section 16; east half section 21; east half section 28; east half section 33; sections 15, 22, 26, 27, 34, 35, 36, township 31 north, range 77 west, sixth principal meridian.

Sections 13, 14, 23, and 24, township 30 north, range 78 west, sixth principal meridian. (Aug. 20, 1935, Public, 288, 74th Cong.)

**866. Michigan National Forest.**—That, upon the request of the Secretary of Agriculture, the Secretary of the Interior may accept on behalf of the United States the conveyance to the United States, by or from the State of Michigan, of any lands owned by the State of Michigan which the said State of Michigan is willing to convey to the United States, and which, in the opinion of the Secretary of Agriculture, should be included in, or made a part of, or set aside as and for a national forest in said State; and upon such acceptance the lands so conveyed shall immediately, and by force of this Act alone, be reserved and set aside as national-forest lands, and be subject to all the laws affecting other national forests. (July 31, 1912, sec. 1, 37 Stat. 241.)

**Selection by Michigan of lands in lieu of lands conveyed to the United States.**—That the State of Michigan is hereby authorized to select, in lieu of any lands conveyed to the United States under the foregoing provisions of this Act, other lands of equal area and approximately equal value from any part of the unappropriated public lands in said State, including lands within a national forest. A description of the lands selected, together with a description of the lands conveyed, or intended to be conveyed under this Act, shall be filed with the Secretary of Agriculture: *Provided*, That the question as to whether any lands intended to be conveyed under the provisions of this Act are approximately equal in value to the lands selected and whether the mutual exchange of said lands would be beneficial to the public interests subserved by the national forests in the State of Michigan shall be determined by the Secretary of Agriculture. (July 31, 1912, sec. 2, 37 Stat. 241.)

**Determination whether lands selected by State are unappropriated.**—That upon the certification to the Secretary of the Interior by the Secretary of Agriculture that the lands selected and the lands conveyed are of equal value, and that the exchange of said lands would be beneficial to the administration of the national forests in the State of Michigan, the Secretary of the Interior shall determine, in accordance with the rules and regulations to be prescribed by him, whether the lands selected by the State are unappropriated lands, and if so found he shall issue a patent for said selected lands to the State of Michigan: *Provided*, That no deed or other instrument of conveyance shall be accepted by the United States until the Attorney General of the United States shall certify that a good and sufficient title to such lands is vested in the United States by said conveyance. (July 31, 1912, sec. 3, 37 Stat. 241.)

**867. Minam National Forest.**—That the following described lands be, and the same are hereby, included in and made a part of the Minam National Forest, subject to all prior valid adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests: Sections thirty-four and thirty-five, the north half of section thirty-six, township seven south, range forty-three east, and sections two and three, township eight south, range forty-three east, all of Willamette meridian, in Oregon. (Mar. 3, 1919, 40 Stat. 1319.)

**868. Minidoka National Forest.**—That any lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Minidoka National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: East half of section one, east half of section twelve, northeast quarter and south half of section thirteen, sections twenty-four, twenty-five, and thirty-six, township thirteen south, range twenty-three east; section seventeen, east half of section eighteen, northeast quarter and south half of section nineteen, sections twenty, twenty-one, south half of section twenty-four, northeast quarter and south half of section twenty-six, south half of section twenty-seven, sections twenty-eight, twenty-nine, thirty, and thirty-one, township twelve south, range twenty-four east, sections six, seven, eighteen, nineteen, thirty, and thirty-one, township thirteen south, range twenty-four east; south half of section nineteen, township twelve south, range twenty-five east, and west half of section twenty, township thirteen south, range twenty-five east, Boise meridian, Idaho: *Provided*, That the inclusion of any of the aforesaid lands in the Minidoka Forest shall not affect adversely any valid application or entry pending at the date of the approval of this Act. (Jan. 11, 1922, 42 Stat. 355.)

**869. Sale of pine timber on ceded Indian lands in Minnesota; portion of timber on lands, to be selected as "forestry lands", on certain Indian reservations, reserved from sale; timber and lands on certain islands and points reserved from sale or settlement.**—That whenever, and as often as the survey, examination, and lists of one hundred thousand acres of said pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made and approved, the Secretary of the Interior shall be, and he hereby is, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places as he may designate, to be scaled under Scribner's rules in the log after being cut, all the merchantable pine timber, whether the same be green or dead, standing or fallen, now on such pine lands, with the exception of five per centum of said timber on certain reservations as hereinafter provided, to be paid for when the timber is cut, banked, and scaled in the manner herein provided for: \* \* \* *Provided further*, That in cutting the timber on two hundred thousand acres of the pine lands, to be selected as soon as practicable by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, on the following reservations, to wit, Chippewas of the Mississippi, Leech Lake, Cass Lake, and Winnebigoshish, which said lands so selected shall be known and hereinafter described as "forestry lands", the

purchasers shall be required to leave standing five per centum of the pine timber thereon for the purpose of reforestation, as hereinafter provided, said five per centum to be selected and reserved in such manner and under such rules and regulations as may be prescribed by the Forester of the Department of Agriculture and approved by the Secretary of the Interior: *Provided further*, That there shall be reserved from sale or settlement the timber and land on the islands in Cass Lake and in Leech Lake, and not less than one hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located, which peninsula approximates seven thousand acres, and in addition thereto ten sections in area on said reservations last aforesaid, to be selected by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, in lots not less than three hundred and twenty acres each in contiguous areas, and nothing herein contained shall interfere with the allotments to the Indians heretofore and hereafter made. The islands in Cass and Leech lakes and the land reserved at Sugar Point and Pine Point Peninsula shall remain as Indian land under the control of the Department of the Interior. (Jan. 14, 1889, sec. 5, 25 Stat. 644; June 27, 1902, sec. 21, 32 Stat. 401.)

**870.** Same; "Forestry lands" selected upon removal of timber, made a part of a national forest.—After the merchantable pine timber on any tract, subdivision, or lot shall have been removed, such tract, subdivision, or lot shall, except on the forestry lands aforesaid, for the purposes of this Act, be classed and treated as agricultural lands, and shall be opened to homestead entry in accordance with the provisions of this Act: *Provided*, That on the forestry lands aforesaid, as soon as the merchantable pine timber now thereon shall have been removed from any tract, subdivision, or lot, as herein provided, such tract, subdivision, or lot shall, without further Act, resolution, or proclamation, forthwith become and be part of a national forest, the same as though set apart by the proclamation of the President in accordance with the Act of Congress approved March third, eighteen hundred and ninety-one [16 U. S. C., sec. 471], and subsequent laws amending and supplementing the same, and shall be managed and protected in accordance with their provisions and the rules and regulations made and to be made in furtherance thereof: *And provided further*, That on said forestry lands aforesaid said pine timber shall be cut clean, except as to the five per centum as hereinbefore provided, and removed under the supervision and direction of the Forester of the Department of Agriculture, in accordance with rules and regulations to be prescribed by him and approved by the Secretary of the Interior, and the said Forester shall have power at all times to patrol and protect said lands and forests, and to enforce all rules and regulations made by him as aforesaid. (Jan. 14, 1889, 25 Stat. 644; June 27, 1902, 32 Stat. 403.)

**871.** Same; homestead entry of agricultural lands on ceded Indian reservations.—As soon as practicable after the passage of this Act the Secretary of the Interior shall open to homestead settlement, as herein provided, the lands on all the reservations, or portions of reservations, which have been ceded to the United States by the Chippewa Indians in Minnesota, including the four reservations last aforesaid,

which have been examined and found to be agricultural lands, and shall immediately proceed to have examined, as herein provided, the remaining lands, and shall without delay open to homestead settlement those found to be agricultural lands: *Provided*, That on the four reservations last aforesaid, where agricultural lands are included within or contiguous to forestry land and are, in the opinion of the Forester of the Agricultural Department, necessary to the economical administration and protection of the same, said Forester shall, as soon as practicable after the passage of this Act as to those lands which have already been examined, and as to the lands not yet examined immediately after the examination and approval of the lists of said lands, of which approval said Forester shall be immediately notified by the Secretary of the Interior, file with the Secretary of the Interior schedules designating according to Government subdivisions said agricultural lands, not to exceed fifteen thousand acres of the lands already examined and not to exceed ten thousand acres of the lands yet to be examined, which said agricultural lands so designated shall not be offered for entry and settlement, but shall become and be a part of the national forest hereinbefore created. (Jan. 14, 1889, sec. 5, 25 Stat. 644; June 27, 1902, sec. 2, 32 Stat. 403.)

**872. Minnesota National Forest creation.**—That there is hereby created in the State of Minnesota a national forest consisting of lands and territory described as follows, to wit:

Beginning at a point where the north line of section thirty-one in township one hundred and forty-eight north, range twenty-eight west, fifth principal meridian, intersects the low-water mark of the lake formed by the waters of Third River; thence easterly along the north line of sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six in township one hundred and forty-eight north, ranges twenty-eight and twenty-seven west, continuing easterly along the north line of section thirty-one in township one hundred and forty-eight north, range twenty-six west, to a point where said line intersects the low-water mark of Bow String Lake on the west shore; thence southerly along the west side of said lake at low-water mark to a point where it crosses the section line between sections sixteen and seventeen in township one hundred and forty-seven north, range twenty-six west; thence southerly along the section line on the east side of sections seventeen, twenty, twenty-nine, and thirty-two in township one hundred and forty-seven north, range twenty-six west, and continuing southerly along the east side of sections five, eight, seventeen, twenty, twenty-nine, and thirty-two, township one hundred and forty-six north, range twenty-six west, continuing southerly along the east line of sections five, eight, seventeen, twenty, and twenty-nine, township one hundred and forty-five north, range twenty-six west to a point at the low-water mark on the right bank of the Mississippi River on the section line between sections twenty-eight and twenty-nine in said township; thence southeasterly along the right bank of the Mississippi River at low-water mark to its confluence with Leech Lake River in section twelve, in township one hundred and forty-four north, range twenty-six west; thence southwesterly along the right bank of Leech Lake River along the low-water mark to Mud Lake; thence along the line of low-water mark of Mud Lake on its northern and western shores to the

point where Leech Lake River empties into the same on fractional section twenty-two, township one hundred and forty-four north, range twenty-six west; thence up said river along the low water mark on the right bank thereof to a point in fractional section twenty-nine where the line intersects the low-water mark of Leech Lake; thence in a northwesterly and southwesterly direction following the contours of said lake at low-water mark to the point at low-water mark on the shore of said lake on the northeast boundary of the ceded Leech Lake Indian Reservation on section line between sections five and eight, township one hundred and forty-three north, range twenty-nine west; thence in a southwesterly direction following the contours of said lake at low-water mark to the point on said lake at the southwestern extremity of Ottertail Point; thence southwesterly in a direct line to the southern extremity of section twenty-five in township one hundred and forty-three north, range thirty-one west; thence in a westerly direction along the contour of said lake to the southwestern extremity of section twenty-six in said township; thence in a northerly and westerly direction along the contour of said lake at low-water mark to a point where the center line through section two, running in a north-and-south direction in township one hundred and forty-three north, range thirty-one west intersects the low-water mark of Leech Lake; thence northerly through the middle of said section two to the shore of a small lake at low-water mark; thence along the east shore of said lake at low-water line to a point where the section line between sections thirty-five and thirty-six, township one hundred and forty-four north, range thirty-one west, intersects low-water mark of said lake on north shore; thence northerly on section line between sections thirty-five, thirty-six, twenty-five, and twenty-six to the low-water mark at the shore of a small lake; thence northerly along the east side of said lake to a point where the section line between sections twenty-five and twenty-six intersects the low-water mark of said lake in said township; thence northerly along the east line of sections twenty-six, twenty-three, and fourteen to a point on the east line of section fourteen, twenty chains north of the southeast corner of section fourteen; thence west twenty chains; thence north twenty chains; thence west twenty chains; thence northerly along the east side of a small lake to a point where the center line running in a north-and-south direction through section fourteen intersects the north side of said lake at low-water mark; thence northerly along the center line of said section through section eleven to the quarter corner between sections two and eleven of said township; thence westerly to a point twenty chains west of the northwest corner of section eleven; thence north forty chains; thence west twenty chains; thence north to a point where the center line running in a north-and-south direction in section three intersects the township line between townships one hundred and forty-four and one hundred and forty-five north, range thirty-one west; thence westerly to the quarter quarter corner on the township line in the southeast quarter of section thirty-four in township one hundred and forty-five north, range thirty-one west; thence north twenty chains; thence west forty chains; thence north twenty chains; thence west twenty chains to the quarter corner between sections thirty-three and thirty-four in said township and range; thence

northwesterly along the east line of sections thirty-three, twenty-eight, twenty-one and sixteen in said township to a point where it intersects the right-of-way of the Great Northern Railway as at present located; thence easterly along said right-of-way to a point where it intersects the shore of Cass Lake at low-water mark in section fifteen, township one hundred and forty-five north, range thirty-one west; thence northerly along the west shore of Cass Lake and the south, west, and north shores of Allen's Bay and the northwest shore of Cass Lake to a point along the contour of said lake at low-water mark at the head of the Mississippi River approximately in section twenty-one, township one hundred and forty-six north, range thirty west; thence easterly along the right bank of said river to a point where the range line between ranges twenty-nine and thirty west intersects said river; thence northerly along the range line to the northwest corner of section nineteen in township one hundred and forty-seven north, range twenty-nine west; thence easterly along the north line of sections nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four in said township and along the north side of sections nineteen and twenty in township one hundred and forty-seven north, range twenty-eight west to a point where said line intersects the left bank of Third River at low water mark; thence northerly along the right bank of Third River to the contour line at low water mark of the lake formed by the waters of Third River; thence southeasterly and northerly along the contour line of said lake to the point of beginning; and it is the intent of this Act to include in said national forest and make a part thereof all that certain territory and land which has heretofore been selected by the Forester of the Department of Agriculture as the ten sections situated in townships one hundred and forty-four, one hundred and forty-five, and one hundred and forty-six north, ranges thirty and thirty-one west of the fifth principal meridian in Minnesota and designated as being the ten sections referred to and authorized to be selected by section two of the Act approved June twenty-seventh, nineteen hundred and two, being chapter eleven hundred and fifty-seven, United States Statutes at Large, volume thirty-two, entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" approved January fourteenth, eighteen hundred and eighty-nine; and also all the islands in Cass Lake in the State of Minnesota.

And in addition to the lands and territory above described, the lands described by section two of said Act of June twenty-seventh, nineteen hundred and two, as follows: "One hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located" shall be included in and are hereby made a part of said national forest: *Provided*, That this Act shall not in any manner abridge the right of citizens to the use of the west and northwesterly shores of Cass Lake. (May 23, 1908, sec. 1, 35 Stat. 268.)

**873. Same; sale of pine timber on certain land.**—The Secretary of the Interior is hereby authorized to proceed with the sale of the merchantable pine timber upon the above-described land outside of said ten sections and said islands and points, in conformity with the

provisions of said Act above entitled, and reserving ten per centum of such timber from sale, said ten per centum to be designated by the Forester of the United States Department of Agriculture; and as to the timber upon said ten sections and said islands and points, the said Forester is authorized, under such rules and regulations as he may prescribe from time to time to sell and dispose of so much of the standing timber thereon as he may deem wise and advisable in the conduct of a National Forest: *Provided*, That a commission of three persons shall at once be appointed, consisting of one person to be designated by the President, one by the Secretary of the Interior, and one by a general council of the Indians of the Winnibigoshish, Cass Lake, Chippewas of the Mississippi Reservation, and Leech Lake Reservation to be held under the direction of the agent at Leech Lake Indian Agency; and said commissioners shall proceed forthwith to appraise the value of the five per centum of timber heretofore reserved from sale by the provisions of said Act entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota'", approved January fourteenth, eighteen hundred and eighty-nine, and the ten percentum hereafter reserved under the provisions of this Act, and the timber upon said ten sections and upon the unappropriated lands on said islands and points, and shall ascertain the acreage of actual land included under the provisions of this Act and to the estimated value of said five per centum of timber reserved under the said Act entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota'", approved January fourteenth, eighteen hundred and eighty-nine, and the ten per centum reserved under this Act and the estimated value of timber upon said ten sections and upon the unappropriated lands on said islands and points, to the sum of the values of the timber so estimated shall add an amount equal to one dollar and twenty-five cents for each and every acre of land not otherwise appropriated which they find covered by the provisions of this Act, and shall certify the same to the Secretary of the Interior. The Indians designated in this section, acting through a representative who shall serve without compensation, to be named by them at the time of their appointment of the commissioner herein, shall have sixty days in which to appeal to the President of the United States from the findings of said commissioners, as certified to the Secretary of the Interior. At the end of said sixty days, if no appeal has been taken or if an appeal has been taken, then, upon the determination thereof by the President, the Secretary of the Interior shall certify the amount found by said commissioners, or if modified by the President the amount determined by him, to the Secretary of the Treasury, who shall thereupon place such amount to the credit of all the Chippewa Indians in the State of Minnesota as a part of the permanent fund of said "All of the Chippewa Indians in the State of Minnesota" provided for in an Act of Congress entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota", approved January fourteenth, eighteen hundred and eighty-nine, and the Acts supplementary thereto, and the amounts so certified to the Secretary of the Treasury shall draw interest at the rate of five per centum per annum, pursuant to the terms of said Acts. (May 23, 1908, sec. 2, 35 Stat. 270.)

**874. Same; exchange of the Indian allotments within the national forest for allotments outside thereof.**—That any Indian having an allotment within the limits of the National Forest created by this Act is hereby authorized to relinquish such allotment and permitted to take another allotment in lieu thereof outside such National Forest, under the direction of the Secretary of the Interior; and the allotments of any deceased Indians located within the boundaries of said National Forest shall not hereafter be disposed of under section seven of the Act of June twenty-seventh, nineteen hundred and two (volume thirty-second Statutes at Large, page two hundred and forty-five); but the heirs of said deceased Indians shall have the right, with the consent of the Secretary of the Interior and under such rules as he may prescribe, to relinquish to the United States the lands covered by such allotments and to select surveyed, unappropriated, unreserved land within the limits of any of the ceded Indian lands in the State of Minnesota and outside of the National Forest hereby created in lieu of the land covered by such allotments; and the lands so relinquished by the Indians or their heirs shall thereupon become part of the said National Forest. And the Secretary of the Interior is hereby authorized on request of the Forester of the Department of Agriculture to purchase such relinquishments from said Indians or their heirs and to pay for the same from any moneys received, after the appraisal of timber herein provided for, on account of the sale of timber from the National Forest hereby created, or from the sale of any other products or the use of any lands or resources thereof. (May 23, 1908, sec. 3, 35 Stat. 271.)

**875. Same; agricultural land in Indian reservations not included in the national forest open to homestead settlement.**—That all land in any of said reservations, the Winnibigoshish Indian Reservation, Cass Lake Indian Reservation, Chippewas of the Mississippi Reservation, or Leech Lake Indian Reservation not included in the National Forest hereby created as above described, heretofore classified or designated as agricultural lands, is hereby declared to be open to homestead settlement; and any of said land which has been classified as timber land shall be open to homestead settlement as soon and as fast as the timber is removed therefrom, in conformity with the homestead law, except that none of said lands shall be disposed of except on payment of one dollar and twenty-five cents per acre. (May 23, 1908, sec. 4, 35 Stat. 272.)

**876. Same; disposal of moneys received from sale of timber from lands set aside for a national forest.**—That all moneys received from the sale of timber from any of the lands set aside by this Act for a National Forest, prior to the appraisal herein provided for, including all moneys received for timber under sales made by the Secretary of the Interior as authorized by existing laws and section two of this Act, shall be placed to the credit of the Chippewa Indians in the State of Minnesota, as provided for in an Act of Congress entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota", approved January fourteenth, eighteen hundred and eighty-nine, and the Acts supplementary thereto, and shall draw interest at the rate of five per centum per annum, pursuant to the terms of said Acts; and after said appraisal

the National Forest hereby created, as above described, shall be subject to all general laws and regulations from time to time governing national forests, so far as said laws and regulations may be applicable thereto. (May 23, 1908, sec. 5, 35 Stat. 272.)

**877. Same; compensation of appraisal commissioners.**—That the commissioners provided for herein shall receive a compensation of ten dollars per day each for each and every day actually spent upon the work herein provided for, which shall be paid out of any money in the Treasury of the United States not otherwise appropriated, and no commissioner shall be paid for more than ten days' service. (May 23, 1908, sec. 6, 35 Stat. 272.)

**878. Same; Indian burial grounds.**—None of the Indian graves now upon any of the islands or points referred to in this Act shall be disturbed and the Indians shall continue to have the right to bury their dead at such places as they have heretofore used for that purpose, under the rules and regulations to be prescribed by the Forest Service. (May 23, 1908; sec. 7, 35 Stat. 272.)

**879. Same; United States not bound to purchase land or guarantee purchasers.**—That nothing in this Act contained shall in any manner bind the United States to purchase any of the land in said reservations excluded from the reserve created by this Act, or to dispose of said land, except as provided by the Act of January fourteenth, eighteen hundred and eighty-nine, entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota", and an Act of June twenty-seventh, nineteen hundred and two, entitled "An Act to amend an Act for the relief and civilization of the Chippewa Indians in the State of Minnesota", or the provisions of this Act; or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this Act that the United States shall act as trustee for said Indians to dispose of the said lands and the timber thereon, and to dispose of the proceeds thereof, as provided in said Acts, only when received from the sale of the timber and the lands, as therein provided. (May 23, 1908, sec. 8, 35 Stat. 272.)

**880. Missoula National Forest.**—That the following unsurveyed areas which by protraction of the public surveys in adjoining townships would probably be described as section one, section two, section eleven, and section twelve, all in township nine north, range fifteen west; and section twenty-five, section thirty-five, and section thirty-six, all in township ten north, range fifteen west, Montana principal meridian, be, and the same are hereby, included in and made a part of the Missoula National Forest, subject to all prior valid adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests. (Feb. 17, 1917, 39 Stat. 922.)

**881. Same.**—That, subject to any valid existing claim or entry, all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made parts of the Missoula National Forest to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the Act approved March 20, 1922 (Forty-second Statutes, page 465), as amended, are hereby extended and made applicable to all other lands within said described areas:

East half section 19, township 11 north, range 7 west; sections 2 and 12, township 11 north, range 8 west; west half section 1, sections 2 to 11, inclusive, west half section 12, township 12 north, range 7 west; sections 1 to 17, inclusive, lots 5, 8, 9, 10, 11, 12, 13, 16, and 17, section 18, lots 3, 4, 5, 8, 9, southwest quarter northeast quarter section 20, sections 21 to 28, inclusive, lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, and 12, section 33, sections 34, 35, and 36, township 12 north, range 8 west; lots 1, 2, 3, and 7, section 1, north half section 2, section 6, township 12 north, range 9 west; west half section 4, sections 5 and 6, township 13 north, range 6 west; all township 13 north, range 7 west; sections 1 to 5, inclusive, and 7 to 36, inclusive, township 13 north, range 8 west; west half northeast quarter, northwest quarter, lots 3 and 4, section 6, east half, southwest quarter section 8, south half section 10, north half northeast quarter, southwest quarter northeast quarter, northwest quarter, north half southwest quarter, southeast quarter southeast quarter section 12, sections 13 to 36, inclusive, township 13 north, range 9 west; sections 1 to 5, inclusive, east half section 8; sections 9 to 16, inclusive, north half northeast quarter, southeast quarter southeast quarter section 17, east half northeast quarter, northeast quarter southeast quarter section 20, sections 21 to 27, inclusive, east half and north half northwest quarter section 28, section 33 north half, north half south half, section 34, section 35, and section 36, township 13 north, range 10 west; lots 4, 5, 6, and 7, section 6, west half section 18, township 14 north, range 5 west; sections 1 to 3, inclusive, north half, southeast quarter section 4, south half northeast quarter, lots 2, 3, and 4, southeast quarter section 7, south half section 8, southeast quarter northeast quarter, southeast quarter, south half southwest quarter section 9, sections 10 to 13, inclusive, north half southwest quarter, north half southeast quarter, southeast quarter, southeast quarter section 14, sections 15 to 21, inclusive, north half southwest quarter, north half southeast quarter, southwest quarter southeast quarter section 22, east half northeast quarter, north half northwest quarter, southwest quarter northwest quarter, southeast quarter southwest quarter, southeast quarter section 23, sections 24, 25, and 26, north half and southwest quarter section 27, sections 28 to 33, inclusive, east half northeast quarter, northwest quarter, north half southwest quarter, lot 1, northeast quarter southeast quarter, lot 4, section 34, all section 35, township 14 north, range 6 west; west half northeast quarter, northwest quarter, east half southwest quarter, south half southeast quarter, northwest quarter southeast quarter section 2, south half southwest quarter section 3, south half northeast quarter, south half section 4, lots 5, 6, 7, and 8, section 7, northeast quarter, southwest quarter, north half southeast quarter, southwest quarter southeast quarter section 8, sections 9 and 10, northeast quarter northeast quarter, west half northwest quarter, southwest quarter, west half southeast quarter, southeast quarter southeast quarter section 11, north half northwest quarter, southwest quarter northwest quarter, east half southwest quarter, southeast quarter section 12, sections 13 to 36, inclusive, township 14 north, range 7 west; lots 1, 2, west half section 4, section 24, south half southwest quarter section 32 township 14 north, range 8 west; sections 5 to 8, inclusive, west half sec-

tion 17, section 18, west half northeast quarter, northwest quarter, southeast quarter, section 20, northeast quarter section 29, township 14 north, range 9 west; section 2, southwest quarter northeast quarter, lot 4, south half northwest quarter, southeast quarter section 4, section 10, north half, north half south half, all section 12, east half, east half west half and southwest quarter southwest quarter section 24, south half south half section 26, southwest quarter northeast quarter and south half section 30, north half and southwest quarter section 32, east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, and south half section 34, township 14 north, range 10 west; southwest quarter northeast quarter, west half, west half southeast quarter section 18, north half, north half southwest quarter section 30, township 15 north, range 5 west; lot 2, west half, west half southeast quarter, southeast quarter southeast quarter section 2, sections 3 to 6, inclusive, northeast quarter, lots 1 and 2, east half southeast quarter section 7, sections 8 to 11, inclusive, west half northeast quarter, west half, southeast quarter section 12, sections 13 to 17, inclusive, east half east half section 18, east half, lots 2, 3, and 4, section 19, sections 20 to 28, inclusive, north half, north half south half section 29, northeast quarter, northeast quarter southeast quarter section 30, sections 33, 34, and 35, township 15 north, range 6 west; lots 1, 2, 7, and 8, section 2, lots 1 to 14, inclusive, east half southwest quarter section 6, township 15 north, range 7 west; southwest quarter, west half southeast quarter section 2, sections 3 to 10, inclusive, southwest quarter northwest quarter and southwest quarter section 12, sections 14 to 22, inclusive, sections 26 to 34, inclusive, township 15 north, range 8 west; all township 15 north, range 9 west; sections 1 to 5, inclusive, northeast quarter, north half southeast quarter, southeast quarter southeast quarter section 6, northeast quarter northeast quarter, south half northeast quarter, northeast quarter southwest quarter, lots 5, 6, and 7, northwest quarter southeast quarter, section 7, lot 4, north half, east half southwest quarter, southeast quarter, section 8, sections 9 to 15, inclusive, east half, southwest quarter section 17, sections 20 to 28, inclusive, north half, northeast quarter southwest quarter, southeast quarter lots 3 and 5, section 29, east half northeast quarter, southeast quarter southeast quarter section 32, sections 33 to 36, inclusive, township 15 north, range 10 west; east half, east southwest quarter and lot 3, section 2, west half section 4, west half northeast quarter, northwest quarter, northwest quarter southwest quarter, northwest quarter southeast quarter section 12, township 15 north, range 11 west, all Montana base and meridian. (May 17, 1928, sec. 1, 45 Stat. 598; Mar. 1, 1929, sec. 2, 45 Stat. 1426.)

**882. Same; applications under Stock Raising Homestead Act.**—The Secretary of the Interior is hereby authorized to consider and allow applications affecting any lands described in this Act which were filed prior to April 1, 1926, under the Stock Raising Homestead Act of December 29, 1916 (Thirty-ninth Statutes, page 862). (May 17, 1928, sec. 2, 45 Stat. 598, Mar. 1, 1929, sec. 2, 45 Stat. 1426.)

**883. Montezuma National Forest.**—The following-described lands be, and the same are hereby, included in and made a part of the Montezuma National Forest, subject to all prior valid, adverse rights, and

that said land shall hereafter be subject to all the laws affecting national forests:

Southwest quarter section 16, southeast quarter section 17, sections 19, 20, 21, 22, southwest quarter section 25, sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, township 42 north, range 17 west; east half section 8, sections 9, 10, 15, east half and northwest quarter section 16, northeast quarter section 17, east half section 21, sections 22, 23, 24, 25, 26, 27, east half section 28, east half section 33, sections 34, 35, 36, township 42 north, range 18 west; and sections 1, 2, and 3 of township 41 north, range 18 west, all from the New Mexico principal meridian. (May 22, 1928, 45 Stat. 711.)

**884. Mount Hood National Forest.**—That any of the following-described lands which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of the Act of March 20, 1922 (Public 173), and upon acceptance of title shall become parts of the Mount Hood National Forest:

Township 2 north, range 9 east: Sections 22, 27, 28, 29, 30, 31, 32, 33, 34, southwest quarter northwest quarter, southwest quarter southeast quarter, and southwest quarter of section 35.

Township 1 north, range 9 east: Sections 8, 9, 10, 11; north half northeast quarter, southwest quarter northeast quarter, northwest quarter, north half southwest quarter, section 14; all of sections 15, 16, 17, 18, 19, 20; north half southwest quarter, and northwest quarter southeast quarter of section 21; north half northwest quarter, southeast quarter northeast quarter, south half southwest quarter, southeast quarter of section 22; south half north half and the south half of section 23; all of sections 26 and 27; northeast quarter northeast quarter, south half northeast quarter, southeast quarter northwest quarter, south half of section 28; southeast quarter and southeast quarter southwest quarter of section 29; northeast quarter and lots 1 to 11, inclusive, of section 30; southeast quarter northeast quarter, southeast quarter of section 31; all of sections 32, 33, 34, and 35. (Feb. 28, 1925, sec. 1, 43 Stat. 1079.)

**885. Same; vested rights not affected.**—All public lands within the areas described in section 1 hereof are hereby added to the Mount Hood National Forest and shall hereafter become subject to all laws and regulations applicable to National Forests. But the addition of said lands shall not affect any entry or vested right under the public land laws initiated prior to the passage of this Act. (Feb. 28, 1925, sec. 2, 43 Stat. 1079.)

**886. Mount Hood National Forest.**—That the following-described lands, title to which was conveyed to the United States in part settlement of a fire trespass and which are located within the boundaries of the Mount Hood National Forest, in the State of Oregon, be, and the same are hereby, added to said national forest and are made subject to all laws and regulations relating to the use and administration of the national forests:

Township 4 south, range 5 east, Willamette meridian: East half northeast quarter, northwest quarter northeast quarter, northeast quarter southeast quarter section 18; southeast quarter northeast quarter, west half northeast quarter, east half northwest quarter, east

half southeast quarter, northwest quarter southeast quarter, southeast quarter southwest quarter section 20; section 22; southwest quarter section 24; sections 25 and 26; north half northeast quarter, northeast quarter northwest quarter section 29; section 36.

Township 4 south, range 6 east, Willamette meridian: Lots 3 and 4, east half, east half southwest quarter section 20; southwest quarter section 28; lots 3 and 4, east half northeast quarter, northwest quarter northeast quarter, northeast quarter northwest quarter, southeast quarter, east half southwest quarter section 30; lots 1 and 2, northeast quarter, east half northwest quarter section 31. (May 21, 1934, 48 Stat. 785.)

**887. Nez Perce National Forest.**—That any lands within the following-described areas found by the Secretary of Agriculture and the Secretary of the Interior to be chiefly valuable for the production of timber or the protection of stream flow may be included within and made a part of the Nez Perce National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests:

North half of township twenty-six north, range six east; the south half of township twenty-seven north, range six east; the southwest quarter of township twenty-seven north, range seven east; and the northwest quarter of township twenty-six north, range seven east, Boise meridian. (Mar. 1, 1921, 41 Stat. 1196.)

**888. North Calaveras Big Tree Grove; South Calaveras Big Tree Grove; acceptance by California.**—That upon conveyance to and acceptance by the State of California of either the North Calaveras Big Tree Grove, described as the west half of the southwest quarter of section 14; the east half of the southeast quarter; the southwest quarter of the southeast quarter; the southeast quarter of the southwest quarter of section 15; the north half of the northeast quarter; the southwest quarter of the northeast quarter; the east half of the northwest quarter of section 22, township 5 north, range 15 east, Mount Diablo base and meridian; or the South Calaveras Big Tree Grove, described as the south half of the northwest quarter; the north half of the southwest quarter; the southwest quarter of the southwest quarter of section 28; the southeast quarter; the south half of the southwest quarter of section 29; the north half of the northeast quarter; the southwest quarter of the northeast quarter; the northwest quarter; the north half of the southwest quarter of section 32; the east half of the northeast quarter, the southwest quarter of the northeast quarter; the north half of the southeast quarter; the southwest quarter of the southeast quarter; the southwest quarter of section 31, township 5 north, range 16 east, Mount Diablo base and meridian; or both of the aforesaid groves, and the dedication as a State park of the lands so conveyed and accepted by the State of California, within six years from the passage of this Act, then the Secretary of the Interior shall, upon request of the Governor of California, and with the concurrence of the Secretary of Agriculture, issue a patent to the State of California for the following-described lands: The southeast quarter of the southeast quarter of section 22; the north half of the southeast quarter of section 24; the north half; the southwest quarter; the west half of the southeast quarter of section 25; the east half of the west half, the southeast quarter, the

south half of the northeast quarter of section 26; the north half of the northeast quarter of section 35, township 5 north, range 15 east, Mount Diablo base and meridian; the southeast quarter of the southeast quarter of section 31, township 5 north, range 16 east, Mount Diablo base and meridian. (Apr. 13, 1928, sec. 1, 45 Stat. 428.)

**889. Same; conveyance subject to certain rights of United States.**—That the conveyance hereby authorized shall be subject to the right of the United States to occupy or to authorize the occupancy of so much of the conveyed lands as may be required for rights-of-way for roads, trails, railroads, transmission lines, conduits, or other works constructed and maintained by or under the authority of the United States: *Provided*, That the said State of California shall not have the right to sell or convey the land acquired under the provisions of this Act, or any part thereof, or to devote said land to other than State park purposes, and if the said land is sold or conveyed or is used for other than State park purposes, contrary to the provisions of this Act, the part so conveyed or used shall revert to the United States; the conditions and reservation herein provided for to be expressed in the patent: *Provided further*, That there shall be reserved to the United States all oil, gas, coal, or other mineral deposits found at any time in the land, and the right to prospect for, mine, and remove the same, under such regulations as the Secretary of the Interior shall prescribe. (Apr. 13, 1928, sec. 2, 45 Stat. 428.)

**890. Ochoco National Forest.**—That the following-described lands be, and the same are hereby, included in and made a part of the Ochoco National Forest, Oregon, subject to all prior valid adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests: Sections twenty-seven and thirty-four, township seventeen south, range twenty-one east, sections three and ten, and the east half of section nine, township eighteen south, range twenty-one east, all of Willamette meridian and base. (Feb. 11, 1920, 41 Stat. 404.)

**891. Same.**—That the following-described public lands are hereby included in and made a part of the Ochoco National Forest, Oregon, subject to all the laws and regulations applicable to national forests, but such inclusion shall not affect any entry or vested rights acquired under the public-land laws prior to the passage of this Act: The west half southeast quarter, and the southwest quarter section 7; the southwest quarter northeast quarter, the northwest quarter northwest quarter, the south half northwest quarter, the north half southwest quarter, the southeast quarter southwest quarter, the north half southeast quarter, and the southwest quarter southeast quarter section 17; the north half northeast quarter, the southwest quarter northeast quarter, the west half southeast quarter, and the west half section 18; and all of section 19; all in township 13 south, range 24 east, Willamette meridian. (May 11, 1934, 48 Stat. 772.)

**892. Oregon National Forest.**—That all of the land contained within the grant by the United States to the Oregon and California Railroad Company that was revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of Oregon and California Railroad Company against United States (Two hundred and thirty-eight United States, page three hundred and ninety-three), and an Act of Congress approved June ninth,

nineteen hundred and sixteen, that lies within that part of the Oregon National Forest that is described in the proclamation of the President under date of June seventeenth, eighteen hundred and ninety-two, and designated as Bull Run National Forest, be, and the same hereby is, reserved and set aside as a part of the Oregon National Forest. (Oct. 21, 1918, 40 Stat. 1015.)

**893. Oregon, Siuslaw, Crater National Forests.**—That such portions of the lands hereinafter described as shall be deemed necessary by the Secretary of the Interior and the Secretary of Agriculture for the conservation and protection of the water supplies of the cities of Oregon City, Dallas, Corvallis, and Ashland, Oregon, and which are within the limits of the grant by the United States to the Oregon and California Railroad Company, that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon and California Railroad Company against the United States (two hundred and thirty-eight United States Statutes, page 393), and an Act of Congress approved June 9, 1916, be, and the same are hereby, reserved and set aside as parts of the Oregon, Siuslaw, and Crater National Forests, subject to all laws affecting national forests, as follows:

As part of the Oregon National Forest, south and east of the Willamette meridian, Oregon:

Township five south, range four east, section one, all; section eleven, all; section thirteen, all; section fifteen, north half southeast quarter, southwest quarter and north half; section twenty-three, all; section twenty-five, all; township four south, range five east, section nineteen, all; section twenty-seven, northeast quarter; section twenty-nine, northwest quarter northwest quarter; south half northwest quarter, and south half northeast quarter; section thirty-one, all; section thirty-five, east half, for the protection of the water supply of Oregon City, Oregon.

As part of the Siuslaw National Forest, south and west of the Willamette meridian, Oregon:

Township seven south, range six west, section twenty-one, northeast quarter southeast quarter, west half southeast quarter and southwest quarter; section twenty-nine, northeast quarter and south one-half; section thirty-three, north half northeast quarter, northwest quarter and southeast quarter, for the protection of the water supply of Dallas, Oregon.

Township twelve south, range seven west, section fifteen, south half southwest quarter, northwest quarter southwest quarter, and southwest quarter southeast quarter; section twenty-one, southeast quarter, and north half; section twenty-three, southwest quarter northwest quarter, and west half southwest quarter; section twenty-seven, all; section thirty-five, north half, for the protection of the water supply of Corvallis, Oregon.

As part of the Crater National Forest, south and east of the Willamette meridian in Oregon:

Township thirty-nine south, range one east, section nineteen, east one-half; section twenty-one, east one-half of west one-half, and east one-half, for the protection of the water supply of Ashland, Oregon. (Feb. 11, 1920, 41 Stat. 405.)

**894. Disposition of merchantable timber; unnecessary lands.**—That when the Secretary of Agriculture finds that merchantable timber may be cut from the above-described lands without detriment to the purity of or depletion of the water supply, said Secretary is hereby authorized to dispose of such merchantable timber on the lands added to said national forests by section 1 hereof in accordance with the regulations of the Secretary of Agriculture for the national forests and the entire proceeds of any sale there shall be deposited in the Treasury of the United States in a special fund designated as "The Oregon and California land-grant fund", referred to in section 10 of the said Act of June 9, 1916, and be disposed of in the manner therein designated: *Provided*, That in the event any of said lands are eliminated from said forests as not necessary for the purposes for which this reservation is made they shall be disposed of in the manner provided for by said Act of June 9, 1916. (Feb. 11, 1920, sec. 2, 41 Stat. 406.)

**895. Oregon National Forest; prior rights not impaired.**—That the boundary of the Oregon National Forest, in the State of Oregon is hereby changed to include the following lands, subject to all the laws and regulations governing the national forests: Township one south, range six east, section six; that part of township one north, range six east, lying south of the Columbia River not now included in said forest; township two north, range six east, all of sections thirty-four, thirty-five, and thirty-six south of the Columbia River: *Provided*, That this action shall, as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose, be subject to and shall not interfere with or defeat legal rights under such appropriation, nor prevent the use for such public purpose of lands so reserved so long as such appropriation is legally maintained or such reservation remains in force. (May 20, 1920, sec. 1, 41 Stat. 605.)

**896. Ouachita National Forest.**—That the southwest quarter southeast quarter of section 24, township 4 north, range 28 west, fifth principal meridian, be, and the same is hereby, transferred to and made a part of the Ouachita National Forest, in the State of Arkansas, and shall hereafter be administered subject to the laws and regulations relating to the national forest. (June 21, 1930, 46 Stat. 791.)

**897. Pike National Forest.**—That the following-described lands be, and the same are hereby, added to and made a part of the Pike National Forest, in the State of Colorado, and are to be hereafter administered under the laws and regulations relating to the national forests:

Township 9 south, range 77 west, sixth principal meridian: West half northwest quarter and west half southwest quarter section 30; northwest quarter northwest quarter, south half northwest quarter, south half northeast quarter, and south half section 31; south half northwest quarter, south half northeast quarter, and south half section 32.

Township 10 south, range 77 west, sixth principal meridian: North half section 5; north half and southwest quarter section 6; west half section 7; west half and south half southeast quarter section 18; north half northwest quarter and north half northeast

quarter section 19; southwest quarter section 30; and west half section 31.

Township 10 south, range 78 west, sixth principal meridian: South half section 35 and south half section 36.

Township 11 south, range 77 west, sixth principal meridian: West half southwest quarter and southeast quarter southwest quarter section 19; west half northwest quarter and west half southwest quarter section 27.

Township 11 south, range 78 west, sixth principal meridian: Sections 3, 10, 15, 22, and the west half southwest quarter section 14; west half northwest quarter and south half section 23; and the south half section 24.

Township 12 south, range 77 west, sixth principal meridian: West half southwest quarter section 11; west half northwest quarter, west half southwest quarter, southeast quarter southwest quarter section 14; northwest quarter section 23; southwest quarter section 26; north half section 34, and northwest quarter section 35.

Township 13 south, range 77 west, sixth principal meridian: West half southwest quarter section 2; south half section 3, all of section 10; west half northwest quarter and west half southwest quarter section 11.

The inclusion of any of the aforesaid land in the Pike National Forest shall not affect adversely any valid application or entry pending at the date of approval of this Act. (May 3, 1934, 48 Stat. 657.)

**898.** Same.—That all lands in the State of Colorado, hereinafter described, to wit:

In township five south, range seventy-one west, sixth principal meridian: West half of southwest quarter, section twenty; southeast quarter of northeast quarter, east half of southeast quarter, northwest quarter of southwest quarter, section twenty-eight; east half of southeast quarter, southwest quarter of southeast quarter, section twenty-nine; west half of northeast quarter, southeast quarter of northeast quarter, southeast quarter, south half of southwest quarter, section thirty-one; northeast quarter, west half of southeast quarter, southeast quarter of southeast quarter, south half of northwest quarter, northeast quarter of northwest quarter, southwest quarter, section thirty-two.

In township six south, range seventy-one west, sixth principal meridian: North half of northwest quarter, section five; west half of northeast quarter, west half of southeast quarter, east half of northwest quarter, northwest quarter of northwest quarter, east half of southwest quarter, section six; northwest quarter of northeast quarter, northeast quarter of northwest quarter, section seven.

In township four south, range seventy-two west, sixth principal meridian: Southeast quarter of northeast quarter, southeast quarter, south half of lots two and three, southwest quarter, including lots four, five, and six, section nineteen; south half of southwest quarter, section twenty; west half of southwest quarter, section twenty-nine; south half of southeast quarter, north half of lot one, all of lots two, three, and four, north half of lot five, south half of lot six, section thirty; south half of lot two, all of lot three, section thirty-one.

In township five south, range seventy-two west, sixth principal meridian: Northeast quarter of northeast quarter, south half of

northeast quarter, southeast quarter, southeast quarter of northwest quarter, east half of southwest quarter, section twenty-one; south half of northeast quarter, south half of northwest quarter, west half of southwest quarter, northeast quarter of southwest quarter, section twenty-two; west half of southeast quarter, east half of southwest quarter, northwest quarter of southwest quarter, section twenty-three; south half of northeast quarter, northwest quarter of northeast quarter, southeast quarter, east half of northwest quarter, southwest quarter of northwest quarter, southwest quarter, section twenty-six; southeast quarter of northeast quarter, southeast quarter of southeast quarter, northwest quarter of northwest quarter, northeast quarter of southwest quarter, section twenty-seven; south half of northeast quarter, northwest quarter of northeast quarter, northwest quarter, section twenty-eight; northeast quarter, section twenty-nine; north half of northeast quarter, section thirty-four; west half of northwest quarter, north half of southwest quarter, section thirty-five.

In township six south, range seventy-two west, sixth principal meridian: Lot one, lot two, lot six, northeast quarter of southeast quarter, southwest quarter of southeast quarter, lot three, lot four, lot five, lot eight, west half of southwest quarter, southeast quarter of southwest quarter, section one; east half of lot six, all of lot seven, lot eight, southwest quarter, section two; lot ten, southeast quarter, east half of lot nine, southwest quarter, section three; northeast quarter, southeast quarter, northwest quarter, north half of southwest quarter, southeast quarter of southwest quarter, section ten; all of section eleven; west half of northeast quarter, southeast quarter, northwest quarter, southwest quarter, section twelve; north half of northeast quarter, southwest quarter of northeast quarter, northwest quarter, southwest quarter, section thirteen; southeast quarter, northwest quarter, northwest quarter of southwest quarter, section fourteen; north half of northeast quarter, northeast quarter of northwest quarter, section fifteen.

In township four south, range seventy-three west, sixth principal meridian: South half of northeast quarter, northeast quarter of northeast quarter, southeast quarter, east half of northwest quarter, east half of southwest quarter, section twenty-four; total, nine thousand six hundred and eighty acres, more or less; be, and the same are hereby, reserved subject to all prior valid rights and made a part of and included in the Pike National Forest. (Aug. 24, 1914, 38 Stat. 705.)

**899. Same.**—That all lands in the State of Colorado hereinafter described, to wit:

In township four south, range seventy-two west, sixth principal meridian: Section six, section seven;

In township four south, range seventy-three west, sixth principal meridian: Section one, section two, south half section three, section seven, section eight, section nine, section ten, section eleven, section twelve, section thirteen, section fourteen, section fifteen, section sixteen, section seventeen, section eighteen, section nineteen, section twenty, section twenty-one, section twenty-two, section twenty-three, the northwest quarter of the northeast quarter, west half of the northwest quarter, and west half of the southwest quarter of section

twenty-four, section twenty-eight, section twenty-nine, north half and southwest quarter section thirty-two, north half section thirty-three;

In township four south, range seventy-four west, sixth principal meridian: East half section twenty-four, east half section twenty-five; total, sixteen thousand nine hundred and thirty-eight and forty-nine one hundredths acres, more or less—

be, and the same are hereby, reserved, subject to all prior valid adverse rights, and made a part of and included in the Pike National Forest. (Mar. 4, 1915, 38 Stat. 1194.)

**900. Same.**—That all lands in the State of Colorado described as follows, to-wit: Section nineteen and section thirty in township two south, range seventy-two west, sixth principal base and meridian, be, and the same are hereby, reserved, subject to all prior valid adverse rights, and made a part of and included in the Pike National Forest. (Sept. 8, 1916, 39 Stat. 844.)

**901. Pisgah National Forest.**—That the tract of land in Buncombe County, North Carolina, locally known as the "Grove Tract", acquired by the United States on December 19, 1927, for the use of the Veterans' Administration, being approximately four hundred and forty-two acres, be, and the same is hereby, added to the Pisgah National Forest and made subject to all laws and regulations relating to the use and administration of the national forests: *Provided, however,* That the tract shall be so managed as to conserve and protect the water thereon, which water shall remain available for the use of the Veterans' Administration. (Aug. 26, 1935, Public 328, 74th Cong.)

**902. Plumas, Eldorado, Stanislaus Shasta, Tahoe National Forests.**—That within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of the Act of March 20, 1922 (Public, 173, Forty-second United States Statutes at Large, page 465), upon notice as therein provided and upon acceptance of title shall become parts of the Plumas National Forest, the Eldorado National Forest, the Stanislaus National Forest, the Shasta National Forest, and the Tahoe National Forest, respectively, and any of such described areas in Government ownership, chiefly valuable for national-forest purposes and not now parts of any national forest may be added to said national forests, as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: (1) To the Plumas National Forest, California: Township 22 north, range 4 east, sections 1, 12, and 13; township 23 north, range 4 east; township 20 north, range 6 east, east half of township; township 26 north, range 6 east; township 27 north, range 6 east; township 20 north, range 7 east; township 21 north, range 7 east; township 26 north, range 7 east; township 27 north, range 7 east; township 21 north, range 8 east, sections 4, 5, 6, 7, 8, 9, and 18; township 27 north, range 8 east; township 24 north, range 9 east, sections 10, 11, 16, 22, 23, and 24; township 27 north, range 9 east, sections 34, 35, and 36; township 23 north, range 10 east, north half of section 1; township 24 north, range 10 east, sections 19, 28, 29, and 36; township 26 north, range 10 east, sections 31, 32, and 33; township 22 north, range 11 east, sections 1 and 2; township 23 north, range 11 east; township 24

north, range 11 east, sections 31, 32, and 33; township 29 north, range 11 east, sections 25 to 36; township 22 north, range 12 east; township 28 north, range 12 east, sections 1, 2, 3, and 12; township 29 north, range 12 east, sections 26 to 35, inclusive; township 21 north, range 13 east, north half of township; township 22 north, range 13 east; township 23 north, range 13 east; township 21 north, range 14 east, sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32; township 22 north, range 14 east, sections 29, 30, 31, and 32; township 23 north, range 14 east, sections 7, 16, 17, 18, 19, 20, 21, 28, 29, 30, and 33; township 25 north, range 16 east, sections 15 and 16; all Mount Diablo base and meridian, California.

(2) To the Eldorado National Forest, California: Township 11 north, range 12 east, sections 25 to 29, inclusive, and 32 to 36 inclusive; township 10 north, range 12 east, sections 1 to 3, inclusive, 10 to 15, inclusive, 22 to 29, inclusive, 32 to 36, inclusive; township 11 north, range 13 east, sections 31 to 33, inclusive; township 10 north, range 13 east; township 9 north, range 13 east; township 8 north, range 13 east, sections 1 to 3, inclusive, 10 to 15, inclusive, 22 to 27, inclusive, 34 to 36, inclusive; township 8 north, range 14 east; township 7 north, range 14 east, sections 1 to 13, inclusive, 16 to 20, inclusive; township 13 north, range 18 east, sections 31 and 32; township 12 north, range 18 east, sections 3 to 11, inclusive, 14 to 23, inclusive, 26 to 34, inclusive; all in Mount Diablo base and meridian.

(3) To the Stanislaus National Forest, California: Township 1 south, range 16 east, sections 1 to 5, inclusive, 8 to 15, inclusive, 22 to 27, inclusive, and 34 to 36, inclusive; township 2 north, range 15 east, sections 1 to 12, inclusive; township 2 north, range 16 east, sections 2 to 10, inclusive, 15, 16, and 21; township 4 north, range 14 east, sections 1, 2, 11 to 14, inclusive, and 23 to 26, inclusive; township 5 north, range 14 east, sections 1, 2, 11 to 14, inclusive, 23 to 26, inclusive, 35 and 36; township 6 north, range 14 east, sections 1 to 4, inclusive, 9 to 16, inclusive, 21 to 28, inclusive, 33 to 36, inclusive; township 7 north, range 14 east, sections 9 to 17, inclusive, and 19 to 36, inclusive; all in Mount Diablo base and meridian.

(4) To the Shasta National Forest, California: Township 36 north, range 5 west, sections 1 to 11, inclusive, and 15 to 17, inclusive; township 37 north, range 1 east, section 1; township 37 north, range 2 east, sections 9 to 16, inclusive; township 37 north, range 3 east, north quarter section 1, sections 3 to 6, inclusive, sections 9 and 10, 15 and 16; township 37 north, range 4 east, north half section 6; township 37 north, range 4 west, sections 4 to 9, inclusive, and 16 to 21, inclusive; township 37 north, range 5 west, sections 1, 11 to 14, inclusive, 23 to 26, inclusive, and 31 to 36, inclusive; township 38 north, range 1 east, sections 11, 12, 13, 14, 23, 24, 25, 26, and 36; township 38 north, range 2 east, sections 1, 2, 3, 5, 7 to 17, inclusive, 19 to 36, inclusive; township 38 north, range 3 east, all; township 38 north, range 4 east, sections 6, 7, 8; township 38 north, range 4 west, sections 1, 2, 3, 10 to 17, inclusive, 20, 24, 22, 27, 28, 29, 31, 32, 33; township 38 north, range 5 west, section 36; township 39 north, range 1 east; township 39 north, range 2 east; township 39 north, range 3 east; township 39 north, range 4 east, sections 30, 31; township 39 north, range 1 west; township 39 north, range 2 west; township 39 north, range 3 west; township 39 north, range 4

west; township 39 north, range 5 west, sections 1 to 12; township 40 north, range 1 east; township 40 north, range 2 east; township 40, range 3 east; township 40 north, range 4 east; township 40 north, range 1 west; township 40 north, range 2 west; township 40 north, range 3 west; township 40 north, range 4 west, sections 2 to 6, inclusive, 10 to 15, inclusive, 19, 22 to 36, inclusive; township 40 north, range 5 west; township 40 north, range 9 west, sections 4 and 5; township 41 north, range 1 east; township 41 north, range 2 east; township 41 north, range 4 east, sections 34, 35, 36; township 41 north, range 1 west; township 41 north, range 2 west; township 41 north, range 4 west; township 41 north, range 5 west, sections 1, 9 to 16, inclusive, and 21 to 28, inclusive, 33 to 36, inclusive; township 41 north, range 7 west, sections 28 and 29; township 42 north, range 1 east; township 42 north, range 2 east, sections 19 to 30, and 31; township 42 north, range 1 west; township 42 north, range 4 west, sections 19 to 30, and 31; township 42 north, range 5 west, section 36; township 43 north, range 1 east; township 43 north, range 1 west; township 43 north, range 2 west; township 43 north, range 3 west, sections 1 and 2, 13 to 16, inclusive, 20 to 24, inclusive; township 44 north, range 1 east; township 44 north, range 1 west; township 44 north, range 2 west; township 45 north, range 1 east, sections 19, 20, 29, 30; township 45 north, range 1 west, sections 19 to 36, inclusive. All Mount Diablo base and meridian, California.

(5) To the Tahoe National Forest, California and Nevada: Township 18 north, range 9 east, sections 28 and 29; township 18 north, range 10 east, sections 28, 29, 30, 31, and 32; township 17 north, range 9 east, sections 13, 24, 25, and 36; township 17 north, range 10 east; township 17 north, range 11 east; township 16 north, range 10 east, sections 1, 2, 11, 23 to 27, inclusive, and 29; township 16 north, range 11 east; township 15 north, range 10 east, sections 13, 24, 25, and 36; township 14 north, range 10 east, sections 1, 12, 13, 24, and 25; township 14 north, range 11 east; township 21 north, range 14 east, sections 17, 18, 19, 20, and 29 to 32, inclusive; township 20 north, range 14 east, sections 9, 16, 21, to 24, inclusive; township 20 north, range 15 east; township 20 north, range 16 east; township 20 north, range 17 east; township 19 north, range 15 east; township 19 north, range 16 east; township 19 north, range 17 east; township 18 north, range 15 east; township 18 north, range 16 east; township 18 north, range 17 east; township 18 north, range 18 east; township 17 north, range 18 east; township 15 north, range 18 east; township 15 north, range 19 east, sections 4 to 9, inclusive, 16 to 21, inclusive, 28 to 33, inclusive; township 14 north, range 18 east; township 14 north, range 19 east, sections 4, 5, 6, 7, 8, 9, 16 to 21, inclusive, 28 to 33, inclusive; township 13 north, range 18 east sections 1, 2, 3, 9 to 16, inclusive, 21 to 28, inclusive, 33 to 36, inclusive; township 13 north, range 19 east, sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32; all in Mount Diablo base and meridian. (Feb. 20, 1925, 43 Stat. 952-954.)

**903. Pocatello National Forest.**—That the following-described lands, to wit, sections three, four, five, six, seven, eight, and nine, township nine south, range thirty-five; section twenty-two, township eight south, range thirty-four; and section one, township nine south, range thirty-four, all in Bannock and Oneida counties, Idaho, be, and the same are hereby, reserved and withdrawn from entry and made a

part of and included in the Pocatello National Forest. (Feb. 18, 1911, 36 Stat. 919.)

**904. Santiam National Forest.**—That the following-described lands, to wit, the southeast quarter of section 24 and the northeast quarter and the southwest quarter of section 26, township 14 south, range 2 east, Willamette meridian; the east half of section 10; all of section 14; the north half of section 20; the northwest quarter of section 22; the west half of section 24; the northwest quarter of section 28; the northeast quarter of section 31; and all of sections 34 and 35, township 14 south, range 3 east, Willamette meridian, be, and they are hereby, withdrawn from all disposition and made a part of the Santiam National Forest. (Feb. 28, 1925, 43 Stat. 1080.)

**905. Shoshone National Forest.**—That the following-described lands are hereby added to the Shoshone National Forest, Wyoming, and made subject to all laws applicable to national forests: West half of section seventeen, all of sections eighteen and nineteen, west half of section twenty, west half of section twenty-nine, all of section thirty, township fifty-two north, range one hundred and five west, all of the sixth principal meridian, Wyoming. (Dec. 20, 1921, 42 Stat. 350.)

**906. Same.**—That the following-described lands are hereby added to and made parts of the Shoshone National Forest, Wyoming, subject to any valid adverse rights initiated prior to the passage of this Act:

Township 45 north, range 101 west, sixth principal meridian: Section 5, south half; sections 8, 17, 20, 29, and 32, all.

Township 44 north, range 101 west, sixth principal meridian: Sections 5, 6, 7, 8, 17, and 18, all.

Township 53 north, range 104 west, sixth principal meridian: Sections 1, 12, 13, 24, 25, and 36, all not now included in the forest.

Township 54 north, range 103 west, sixth principal meridian: Section 4, southwest quarter southwest quarter; section 5, south half; section 6, south half; section 8, all; section 9, southwest quarter, west half northwest quarter, and southeast quarter northwest quarter; section 16, west half; section 17, all; section 20, north half northwest quarter.

Township 54 north, range 104 west, sixth principal meridian: Sections 1, west half and northeast quarter 24, west half 25, and west half 36, all not now included in the forest.

Township 55 north, range 104 west, sixth principal meridian: Sections 1, 12, 13, 24, 25, and 36, all not now included in the forest.

Township 56 north, range 104 west, sixth principal meridian: Sections 1, 12, 13, 24, 25, and 36, all not now included in the forest. (Mar. 4, 1927, 44 Stat. 1412.)

**907. Siskiyou National Forest.**—That the north half of the northeast quarter, the northeast quarter of the northwest quarter, and lot one of section thirty-one, township thirty-nine south, range six west, of the Willamette meridian, are hereby added to and made a part of the Siskiyou National Forest in Oregon. (Sept. 22, 1922, sec. 1, 42 Stat. 1019.)

**908. Same.**—That the boundaries of the Siskiyou National Forest, in the State of Oregon, are hereby extended to include the following-described lands, subject to valid existing rights:

Section 31, township 30 south, range 9 west.

Sections 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, and 18, township 31 south, range 9 west.

Sections 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 30 south, range 10 west.

All of township 31 south, range 10 west.

Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, township 31 south, range 11 west.

All of Willamette meridian.

Lands hereafter conveyed to the United States within the above-described area upon acceptance of title, shall become parts of the said Siskiyou National Forest and subject to all laws relating thereto. Any lands within the above-described area which are part of the land grant to the Oregon and California Railroad Company title to which revested in the United States under the Act of June 9, 1916 (39 Stat. 218), shall remain subject to all laws relating to said revested land grant. (June 13, 1935, Public 131, 74th Cong.)

**909. Targhee National Forest.**—That all unappropriated public lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Targhee National Forest, in Idaho, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: Sections one, two, three, four, nine, to sixteen, inclusive, twenty-one to twenty-eight, inclusive, thirty-four, thirty-five, thirty-six, township twelve north, range thirty-two east; all township thirteen north, range thirty-two east; all township thirteen north, range thirty-three east; all of Boise meridian and base: *Provided*, That the provisions of this Act shall not affect any existing valid adverse claim heretofore initiated. (Mar. 1, 1921, 41 Stat. 1198.)

**910. Teton National Forest.**—That the following-described areas be, and the same are hereby, included in and made a part of the Teton National Forest, subject to all prior adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests:

All of section four; east half; east half northwest quarter; east half southwest quarter of section five; east half; east half northwest quarter; east half southwest quarter of section eight; all of section nine; all of section sixteen; the northeast quarter of section seventeen; the east half; north half northwest quarter; northeast quarter southwest quarter; southeast quarter northwest quarter of section twenty-one; all of section twenty-six; east half; north half northwest quarter; southeast quarter northwest quarter; northeast quarter southwest quarter of section twenty-seven, all in township forty north, range one hundred and sixteen west of the sixth principal meridian, State of Wyoming.

The south half; south half northeast quarter; southeast quarter northwest quarter of section nine; all of section sixteen; southeast quarter; southeast quarter northeast quarter; southeast quarter southwest quarter of section seventeen; south half; south half northwest quarter; south half northeast quarter of section nineteen, all in township forty-one north, range one hundred and fifteen west of the sixth principal meridian, State of Wyoming.

The southeast quarter; south half northeast quarter; southeast quarter northwest quarter; east half southwest quarter of section twenty-four; all of section twenty-five; the southeast quarter; east half northeast quarter of section twenty-six; the south half southwest quarter; south half southeast quarter of section thirty-three; the south half southwest quarter; south half southeast quarter of section thirty-four; all of section thirty-five; all of section thirty-six, all in township forty-one north, range one hundred and sixteen west of the sixth principal meridian, State of Wyoming.

The east half southeast quarter of section one; east half; east half northwest quarter; east half southwest quarter of section twelve; all of section thirteen; east half southeast quarter; southeast quarter northeast quarter of section twenty-three; all of section twenty-four; all of section twenty-five; east half; southwest quarter of section twenty-six; all of section thirty-five; all of section thirty-six, all in township forty-two north, range one hundred and fifteen west of the sixth principal meridian, State of Wyoming. (Aug. 16, 1916, 39 Stat. 515.)

**911. Uintah National Forest.**—That before the opening of the Uintah Indian Reservation the President is hereby authorized to set apart and reserve as an addition to the Uintah National Forest, subject to the laws, rules, and regulations governing national forests, and subject to the mineral rights granted by the Act of Congress of May twenty-seventh, nineteen hundred and two, such portion of the lands within the Uintah Indian Reservation as he considers necessary, and he may also set apart and reserve any reservoir site or other lands necessary to conserve and protect the water supply for the Indians or for general agricultural development, and may confirm such rights to water thereon as have already accrued: *Provided*, That the proceeds from any timber on such addition as may with safety be sold prior to June thirtieth, nineteen hundred and twenty, shall be paid to said Indians in accordance with the provisions of the Act opening the reservation. (Mar. 3, 1905, 33 Stat. 1070.)

**912. Uinta and Wasatch National Forests; control of soil erosion, flood damage.**—That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Uinta and Wasatch National Forests, in the State of Utah, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from the entire receipts from the sale of natural resources or occupancy of public land within the Uinta and Wasatch National Forests, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired. (Aug. 26, 1935, Public, 337, 74th Cong.)

**913. Umatilla, Wallowa, Whitman National Forests.**—That within the following described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes may be offered in exchange under the provisions of the Act of March 20, 1922 (Public, 173) [16 U. S. C.,

secs. 485, 486], upon notice as therein provided, and upon acceptance of title shall become parts of the Umatilla, Wallowa, or Whitman National Forests; and any of such described areas in Government ownership chiefly valuable for national forest purposes and not now parts of any national forest may be added to said national forests as herein provided by proclamation of the President, subject to all valid existing entries:

Township 6 north, range 38 east, sections 18, 19, 20, 21, 28, 29, east half of section 30, and section 32.

Township 5 north, range 37 east, sections 25, 26 east half of section 34, and sections 35 and 36.

Township 4 north, range 37 east, south half of section 12, sections 13, 22, 23, 24, 25, 26, 27, 33, 34, 35, and 36.

Township 4 north, ranges 39 and 41 east.

Township 4 north, range 42 east, south half.

Township 5 north, range 43 east.

Township 4 north, range 43 east, sections 3, 4, 9, 10, and 11.

Township 5 north, range 44 east.

Township 4 north, range 44 east.

Township 3 north, range 37 east, section 4.

Township 3 north, range 39 east, sections 1, 2, 9, 10, 11, 12, north half of section 13, sections 14, 15, 16, 22, 27, and 33.

Township 3 north, range 40 east, sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 25, and 36.

Township 3 north, ranges 41 and 42 east.

Township 2 north, range 38 east.

Township 2 north, range 39 east, sections 4, 5, 6, 7, 18, 19, 30, and 31.

Township 2 north, range 40 east, north half of section 1.

Township 2 north, range 41 east, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33, 34, and west half of section 35.

Township 2 north, range 42 east, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12.

Township 2 north, range 43 east, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 23, and 24.

Township 2 north, range 44 east, sections 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, and north half of sections 34 and 35.

Township 1 north, range 35 east, sections 13, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.

Township 1 north, range 36 east.

Township 1 north, range 38 east, sections 8, 9, 10, 11, 12, 17, 20, 29, 31, and 32.

Township 1 north, range 39 east, sections 6 and 7.

Township 1 north, range 41 east, sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36.

Township 1 north, range 42 east south half of section 6, sections 7, 18, 19, 29, 30, 31, and 32.

Township 1 south, ranges 35, 36, and 37 east.

Township 1 south, range 38 east, sections 4, 9, 16, 21, 28, and 33.

Township 1 south, range 42 east, sections 4, 5, 13, 14, 15, and 16.

Township 1 south, range 43 east, sections 18, 20, 28, and 29.

- Township 2 south, range 32 east, sections 34, 35, and 36.
- Township 2 south, range 33 east, sections 25, 26, 27, 31, 32, 33, 34, 35, and 36.
- Township 2 south, ranges 35 and 36 east.
- Township 2 south, range 37 east, sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23.
- Township 2 south range 38 east, sections 4, 7, 8, and 9.
- Township 2 south, range 43 east.
- Township 2 south, range 44 east, section 7, west half of section 17, sections 18, 21, 27, 28, 33, 34, and 35.
- Township 3 south, range 30 east, section 36.
- Township 3 south, range 30½ east, sections 24, 25, and 36.
- Township 3 south, range 31 east, sections 12, 13, 14, and south half of township.
- Township 3 south, range 32 east, sections 1, 2, 3, 8, 9, 10, 11, 15, 16, and 17.
- Township 3 south, range 34 east.
- Township 3 south, range 35 east, sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 30, and 31.
- Township 3 south, range 36 east, sections 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36.
- Township 3 south, range 37 east, sections 28, 29, 30, 31, 32, 33, 34, 35, and 36.
- Township 3 south, range 44 east, sections 2, 11, and 12.
- Township 3 south, range 45 east, sections 7, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 28, and 29.
- Township 3 south, range 46 east, sections 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30.
- Township 4 south, range 27 east, sections 25, 26, 35, and 36.
- Township 4 south, range 28 east, sections 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, and 32.
- Township 4 south, range 29 east, sections 7, 8, 9, 10, 11, 13, 16, and 17.
- Township 4 south, range 30 east, sections 1, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35, and 36.
- Township 4 south, range 31 east, sections 1, 2, 3, 4, 5, and 6.
- Township 4 south, range 34 east.
- Township 4 south, range 35 east, sections 6, 7, 13, 18, 19, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.
- Township 4 south, ranges 36 and 37 east.
- Township 4 south, range 38 east, sections 6, 7, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.
- Township 5 south, range 27 east, sections 1, 4, 8, 9, 10, 11, 12, 14, 15, and 16.
- Township 5 south, ranges 29 and 30 east.
- Township 5 south, range 31 east, sections 18, 19, 20, 29, 30, 31, and 32.
- Township 5 south, ranges 34, 35, and 36 east.
- Township 6 south, range 23 east, sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.
- Township 6 south, range 24 east, sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 35, and 36.

Township 6 south, range 25 east, sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and south half of township.

Township 6 south, range 26 east, sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, and south half of township.

Township 6 south, ranges 27, 28, and 29 east.

Township 6 south, range 30 east, north half of township, and sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.

Township 6 south, range 31 east, sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 29, and 30.

Township 6 south, ranges 35, 35½, and 36 east.

Township 7 south, ranges 23 and 24 east.

Township 7 south, range 25 east, sections 28, 29, and 30.

Township 7 south, range 26 east.

Township 8 south, range 27 east, section 16.

Township 2 south, range 34 east, sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.

Township 5 south, range 26 east, sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36. (Mar. 4, 1925, 43 Stat. 1279.)

**914. Washakie National Forest.**—That the following-described public lands be, and the same are hereby, added to and made a part of the Washakie National Forest, Wyoming, and are to be hereafter administered under the laws and regulations relating to the national forests: Township 43 north, range 108 west, sixth principal meridian; west half section 5; west half, west half northeast quarter, southeast quarter section 8; all of section 17; all of section 20; west half, west half northeast quarter, west half southeast quarter, northeast quarter southeast quarter section 21; north half northeast quarter, south half southeast quarter section 24; north half northwest quarter, northwest quarter northeast quarter, northwest quarter southwest quarter section 28; north half north half southwest quarter, north half southeast quarter section 29. Township 42 north, range 109 west, sixth principal meridian; north half section 1; north half section 2. Township 43 north, range 109 west, sixth principal meridian; south half, southeast quarter northwest quarter section 35; northeast quarter northeast quarter, northeast quarter southeast quarter, south half southeast quarter, southwest quarter section 36: *Provided*, That the inclusion of any of the aforesaid land in the Washakie National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this Act. (June 14, 1926, 44 Stat. 742.)

**915. Same.**—That the following-described public lands be, and the same are hereby, added to and made a part of the Washakie National Forest, Wyoming, and are to be hereafter administered under the laws and regulations relating to national forests:

Northeast quarter, southeast quarter of the northwest quarter, north half of the southeast quarter and the southeast quarter of the southeast quarter of section 13, township 43 north, range 108 west, sixth principal meridian; all of section 19, all of section 27, north half of section 28, north half, north half of the southwest quarter of section 29, northeast quarter of section 30, west half of the northeast quarter, northwest quarter, southwest quarter, west half of the southeast quarter, southeast quarter of the southeast quarter of section

35, township 43 north, range 107 west, sixth principal meridian: *Provided*, That the inclusion of any of the aforesaid land in the Washakie National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this Act. (Mar. 4, 1931, 46 Stat. 1521.)

**916. Weiser National Forest.**—That any lands within the following-described areas found after examination by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow may, with the approval of the Secretary of the Interior, be included within and made a part of the Weiser National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests:

Sections six, seven, eighteen, thirty, and thirty-one, township fourteen north, range four west; sections one, twelve, thirteen, twenty-three, twenty-four, twenty-five, twenty-six (the south half and the northeast quarter of section twenty-seven), sections thirty-four and thirty-five, township fourteen north, range five west; sections one to twelve, inclusive, township thirteen north, range five west; sections one and two, township thirteen north, range six west; all of the Boise meridian and base, Idaho. (Mar. 1, 1920, 41 Stat. 1194.)

**917. Whitman National Forest.**—That any land within the following described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or for the protection of stream flow may be included within and made part of the Whitman National Forest, in the State of Oregon, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: Township eleven south, range thirty-four east; townships eleven and twelve south, range thirty-five east; township ten south, range thirty-five and one-half east; townships ten and eleven south, range thirty-six east, Willamette meridian, in the State of Oregon. (Sept. 8, 1916, 39 Stat. 852.)

**918. Wyoming National Forest.**—That any lands within the following-described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow may be included within and made a part of the Wyoming National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: Sections nine to fifteen, inclusive, and sections twenty-two, twenty-three, and twenty-four, all in township twenty-five north, range one hundred and sixteen west, sixth principal meridian. (Aug. 16, 1916, 39 Stat. 516.)

**919. Same.**—That any lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Wyoming National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: All of township twenty-nine north, range one hundred and eighteen west; all of township twenty-nine north, range one hundred and nineteen west; sections five, six, seven, eight, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, and thirty-three, township thirty north, range one hundred and eighteen west; all of township thirty north,

range one hundred and nineteen west; sections seven, eighteen, nineteen, thirty, thirty-one, and west half of section thirty-two, township thirty-one north, range one hundred and eighteen west; sections nineteen to thirty-six, inclusive, township thirty-one north, range one hundred and nineteen west; all of the sixth principal meridian, Wyoming. (Feb. 25, 1919, 40 Stat. 1152.)

**920. Zuni National Forest.**—That all of the military reservations of Fort Wingate, New Mexico, as described in Executive order of May thirty-first, nineteen hundred and eleven (Number thirteen hundred and sixty-seven), shall become a part of the Zuni National Forest and shall so remain until said order shall be revoked, modified, or suspended by the President, but that the said lands shall remain subject to the unhampered use of the War Department for military purposes, and to insure such use the land shall not be subject to any form of appropriation or disposal under the land laws of the United States. (Aug. 10, 1912, 37 Stat. 286.)

**921. Secretary of Interior authorized to exchange lands within exterior boundaries of national forests in New Mexico for national forests or other government lands; President authorized to withdraw lands.**—That section 10 of the Act entitled "An Act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910, be and the same is hereby amended, subject to the consent to the terms hereof by the State of New Mexico, by adding the following: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States, title to any land within the exterior boundaries of the national forests in the State of New Mexico, title to which is in the State of New Mexico, which the said State of New Mexico is willing to convey to the United States, and which shall be so conveyed by deed duly recorded and executed by the governor of said State and the State land commissioner, with the approval of the State land board of said State, and as to land granted to the said State of New Mexico for the support of common schools with the approval of the State superintendent of public instruction of said State, as to institutional grant lands with the approval of the governing body of the institution for whose benefit the lands so reconveyed were granted to said State, if, in the opinion of the Secretary of Agriculture, public interests will be benefited thereby and the lands are chiefly valuable for national-forest purposes, and in exchange therefor, the Secretary of the Interior, in his discretion, may give not to exceed an equal value of unappropriated, ungranted, national forest or other government land belonging to the United States within the said State of New Mexico, as may be determined by the Secretary of Agriculture and be acceptable to the State as a fair compensation, consideration being given to any reservation which either the State or the United States may make of timber, mineral, or easements.

That authority is hereby vested in the President temporarily to withdraw from disposition under the Act of June 25, 1910 (Thirty-sixth Statutes at Large, page 847), as amended by the Act of August 24, 1912 (Thirty-seventh Statutes at Large, page 497),

lands proposed for selection by the State under the provisions of this Act. (June 15, 1926, 44 Stat. 746.)

**922.** Secretary of Interior authorized to give New Mexico lands upon its surrender of right to make lieu selections.—Where sections 2, 16, 32, and 36, within national forests, legal title to which sections is retained in the United States under the provisions of section 6 of the said Act of June 20, 1910, and which sections are administered as a part of the said national forests for the benefit of the said State of New Mexico, have not already been tendered as base for indemnity selection under sections 2275 and 2276, United States Revised Statutes, and where such sections of land, in the opinion of the Secretary of Agriculture, are chiefly valuable for forest purposes, upon surrender by the State of New Mexico of the right to make lieu selections and of all claim, right, or interest in or to said sections upon and in the event of elimination from the national forests, the Secretary of the Interior, in consideration of such surrender, may, in his discretion, give to the State of New Mexico not to exceed an equal value of unappropriated, ungranted, national forest or other government land belonging to the United States within the said State of New Mexico, as may be determined by the Secretary of Agriculture and be acceptable to the State as a fair compensation, consideration being given to any reservation which either the State or the United States may make of timber, mineral, or easements.

That the Secretary of Agriculture may establish regulations and a procedure for appraising the values of the lands owned by the United States and by the State and for carrying out the provisions of this Act. (June 15, 1926, sec. 2, 44 Stat. 747.)

**923.** Lands acquired by New Mexico subject to conditions and trusts.—That all lands acquired by the State of New Mexico under the provisions, and all the products and proceeds of said lands, shall be subject to all the conditions and trusts to which the lands conveyed or surrendered in lieu thereof are now subject. All lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forests within which they are situated. (June 15, 1926, sec. 3, 44 Stat. 747.)

**924. Siskiyou National Forest; sale of timber.**—That the Secretary of Agriculture is hereby authorized, in his discretion, to sell the merchantable timber on the land added to the Siskiyou National Forest by section 1 hereof in accordance with the regulations governing the sale of public timber in the national forests, and the entire proceeds of any sale of the timber on such land shall be deposited in the Treasury of the United States in a special fund designated as "The Oregon and California land-grant fund," referred to in section 10 of the Act of Congress approved June 9, 1916 (Thirty-ninth Statutes, page 218), and be disposed of in the manner therein designated, the land added forming part of the area which revested in the United States under the provisions of said Act. (Sept. 22, 1922, sec. 2, 42 Stat. 1019; 16 U. S. C., sec. 487.)

**925. Coconino and Tusayan National Forests; rights of Arizona Lumber Co. to cut timber.**—That the Secretary of Agriculture is hereby authorized to extend the rights of the Arizona Lumber and Timber

Company and its successors in interest to cut and remove the timber from such of the following-described lands: Sections three and nine, township nineteen north, range five east; section thirty-three, township twenty north, range five east; section thirty-one, township twenty-one north, range five east; section thirty-five, township twenty north, range six east; section thirty-one, township twenty north, range seven east; all of the Gila and Salt River principal base and meridian within the Coconino and Tusayan National Forests, Arizona, as have been reconveyed, or are under contract to be reconveyed, to the United States, subject to outstanding timber-right contracts held by said company under the rules, regulations, and conditions imposed by the Secretary of the Interior at the time of said reconveyance or contract to reconvey until such time as he may determine to be in the public interest but not later than December 31, 1950: *Provided*, That said company executes and enters into an agreement with the Secretary of Agriculture to comply with such additional requirements upon the above-described lands and any other lands for which timber rights are claimed by said company within the Coconino and Tusayan National Forests, as may be mutually agreed upon to promote forest-fire protection, reforestation, and forestry administration: *Provided further*, That all its present rights to cut and remove timber from any lands within said national forests are to terminate on the date fixed by the Secretary of Agriculture and agreed to by the company, but this Act shall not be construed to confer upon said company any rights in addition to those held by the company at the time of said reconveyance, and in the absence of the execution of such an agreement this Act shall neither extend nor restrict the present rights of said company.

(Aug. 24, 1922, 42 Stat. 828.)

**926. Establishment of exterior boundaries of national forests.**—That hereafter all standard, meander, township, and section lines of the public land surveys shall, as heretofore, be established under the direction and supervision of the Commissioner of the General Land Office, whether the lands to be surveyed are within or without reservations, except that where the exterior boundaries of public forest reservations are required to be coincident with standard, township, or section lines such boundaries may, if not previously established in the ordinary course of the public land surveys, be established and marked under the supervision of the Director of the United States Geological Survey whenever necessary to complete the survey of such exterior boundaries. (Mar. 3, 1899, sec. 1, 30 Stat. 1097; 16 U. S. C., sec. 488.)

**927. Sale of mature, dead, and down timber.**—That the Secretary of Agriculture, under such rules and regulations as he shall establish, is hereby authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the Act of June fourth, eighteen hundred and ninety-seven [16 U. S. C., sec. 477]. (Aug. 10, 1912, 37 Stat. 287; 16 U. S. C., sec. 489.)

**928. Deposits from timber purchasers to defray cost of disposing of débris.**—That hereafter deposits may be received from timber pur-

chasers in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other débris resulting from cutting operations in sales of national forest timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost. (Aug. 11, 1916, 39 Stat. 462; 16 U. S. C., sec. 490.)

**929. Earth, stone, and timber for Navy, War Department, and for Government works in Alaska.**—That hereafter the Secretary of Agriculture, under regulations to be prescribed by him, is hereby authorized to permit the Navy Department to take from the national forests such earth, stone, and timber for the use of the Navy as may be compatible with the administration of the national forests for the purposes for which they are established, and also in the same manner to permit the taking of earth, stone, and timber from the national forests for the construction of Government railways and other Government works in Alaska.

That the Secretary of Agriculture is authorized to permit the War Department to take earth, stone, and timber from the national forests for use in the construction of river and harbor and other works in charge of that department, subject to such regulations and restrictions as he may prescribe. (Mar. 4, 1915, 38 Stat. 1100; Mar. 3, 1925, sec. 13, 43 Stat. 1197; 16 U. S. C., sec. 492.)

**930. Calaveras Bigtree National Forest.**—That the Secretary of Agriculture, to secure and protect for all time the big trees scientifically known as *Sequoia washingtoniana*, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the following-described lands in the State of California: In township four north, range fifteen east, Mount Diablo meridian, the northeast quarter of section one; in township four north, range sixteen east, Mount Diablo meridian, the north half of section six; in township five north, range fifteen east, Mount Diablo meridian, the southwest quarter of section fourteen, south half of section fifteen, north half of section twenty-two, northwest quarter of section twenty-three, and southeast quarter of section thirty-six, and in township five north, range sixteen east, Mount Diablo meridian, the west half of section twenty-eight, the east half and southwest quarter of section twenty-nine, the southeast quarter of section thirty, all of sections thirty-one, thirty-two, and the northwest quarter of section thirty-three. And such area or areas, as fast as complete title is acquired, shall be permanently held by the United States and shall be known as the Calaveras Bigtree National Forest and shall be administered, and protected, by the Secretary of Agriculture from the funds appropriated for the administration of national forest land to prolong the existence, growth, and promote the reproduction of said big trees: *Provided*, That the owners of land acquired hereunder shall convey to the United States full title to any of the above-described areas approved for said national forests by the Secretary of Agriculture, the completeness of such title to be determined by the Secretary of the Interior in each case, and shall be reimbursed therefor only in one or both of the following ways: (1) They may

be given the right to file with the Secretary of the Interior, within sixty days after such conveyance, selections of surveyed, unappropriated, nonmineral public lands or of nonmineral national forest lands, and if the lands so selected shall be found subject to selection and of the actual value in lands and stumpage substantially equal to that of the lands and stumpage conveyed they may be patented to said owners in lieu of the conveyed lands: *Provided*, however, That in any case where any part of the lands selected is national forest land, the approval of the Secretary of Agriculture shall first be secured with respect to such part, or (2) the Secretary of Agriculture may grant to any such conveying owner the right to cut from national forest land an amount of timber and wood, substantially equal to the amount of timber and wood on the land acquired by the United States under the provisions of this Act: *Provided*, That nothing contained in this Act shall warrant an appropriation from the Treasury to carry out the terms of this Act. (Feb. 18, 1909, 35 Stat. 626; May 7, 1912, 37 Stat. 108; 16 U. S. C., sec. 494.)

**931. Leases of lands for sanitariums or hotels.**—That the Secretary of Agriculture be, and hereby is, authorized, under such rules and regulations as he from time to time may make, to rent or lease to responsible persons or corporations applying therefor suitable spaces and portions of ground near, or adjacent to, mineral, medicinal, or other springs, within any national forest established within the United States, or hereafter to be established, and where the public is accustomed or desires to frequent, for health or pleasure, for the purpose of erecting upon such leased ground sanitariums or hotels, to be opened for the reception of the public. And he is further authorized to make such regulations, for the convenience of people visiting such springs, with reference to spaces and locations, for the erection of tents or temporary dwelling houses to be erected or constructed for the use of those visiting such springs for health or pleasure. And the Secretary of Agriculture is authorized to prescribe the terms and duration and the compensation to be paid for the privileges granted under the provisions of this Act. (Feb. 28, 1899, sec. 1, 30 Stat. 908; Feb. 1, 1905, sec. 1, 33 Stat. 628; 16 U. S. C., sec. 495.)

**932. Use and occupation of space for summer homes, hotels, stores, etc.**—That hereafter the Secretary of Agriculture may, upon such terms as he may deem proper, for periods not exceeding thirty years, permit responsible persons or associations to use and occupy suitable spaces or portions of ground in the national forests for the construction of summer homes, hotels, stores, or other structures needed for recreation or public convenience, not exceeding five acres to any one person or association, but this shall not be construed to interfere with the right to enter homesteads upon agricultural lands in national forests as now provided by law. (Mar. 4, 1915, 38 Stat. 1101; 16 U. S. C., sec. 497.)

**933. Recreation area within Angeles National Forest.**—That the Secretary of Agriculture is hereby authorized, in his discretion, upon application by the board of supervisors of Los Angeles County, California, to designate and segregate, for recreation development, not to exceed 5,000 acres within the Angeles National Forest, California, which, in his opinion, are available for such purposes, and

to issue to the said board of supervisors, for the benefit of said county, a free permit authorizing the improvement, maintenance, and use of such lands for free public camp grounds under conditions which will allow the fullest use of the lands for recreational purposes without interfering with the objects for which the national forest was established. Such permit or permits shall remain in full force and effect as long as the county complies with the conditions therein and maintains the areas so designated as free public camp grounds. Lands so designated and segregated under the provisions of this Act shall not be subject to the mining laws of the United States. (Feb. 24, 1925, 43 Stat. 969.)

**934. Recreation area within Prescott National Forest.**—That the Secretary of Agriculture is hereby authorized in his discretion to designate and segregate for recreational development any lands not to exceed four thousand acres within the Prescott National Forest, Arizona, which in his opinion, are available for such purpose, and he is hereby authorized to enter into such form of cooperative agreement with, or issue such permits to the city of Phoenix, Arizona, for occupancy of said area for recreation purposes as in his opinion will permit the fullest use of the lands for such purposes without interfering with the object for which the national forest was established. Lands so designated and segregated under the provisions of this Act shall not be subject to the mining laws of the United States: *Provided, however,* That such designation and segregation shall not affect valid existing mineral locations of record on the date of such segregation so long as such locations are legally maintained. (Aug. 27, 1935, Public 358, 74th Cong.)

**935. Crook National Forest; lands designated for recreational purposes.**—That the Secretary of Agriculture is hereby authorized, in his discretion, upon application by the Board of Supervisors of Gila County, Arizona, to designate and segregate for recreational development any lands, not to exceed six hundred and forty acres, within the Crook National Forest, Arizona, which in his opinion, are available for such purpose, and he is hereby authorized to enter into such form of cooperation with said Board of Supervisors as in his opinion will permit the fullest use of the lands for recreational purposes without interfering with the objects for which the national forest was established. Lands so designated and segregated, under the provisions of this Act, shall not be subject to the mining laws of the United States. (May 29, 1924, 43 Stat. 242.)

**936. Deerlodge National Forest; lands designated for recreational purposes.**—That the Secretary of Agriculture is hereby authorized, in his discretion, upon application by the municipality of Butte, Montana, to designate and segregate for municipal recreational development any lands, not to exceed thirty-six hundred acres, within the Deerlodge National Forest which, in his opinion, are available for such purpose, and he is hereby authorized to enter into such form of cooperation with the said municipal authorities as, in his opinion, will permit the fullest use of the lands for recreational purposes without interfering with the objects for which the national forest was established. Lands so designated and segregated, under the provisions of this Act, shall not be subject to the mining laws of the United States. (Apr. 28, 1922, 42 Stat. 501.)

**937. Oregon Caves, Siskiyou National Forest; Secretary of Agriculture authorized to make improvements.**—That the Secretary of Agriculture is hereby authorized to construct and maintain such improvements within and near the Oregon Caves in the Siskiyou National Forest, Oregon, as are necessary for the comfort and convenience of the visiting public, including the purchase of materials and equipment for lighting the caves and washing the interior thereof, and providing easier accessibility and traversibility thereof, and providing an additional exit or entrance, and for installing such materials and equipment; and for the aforesaid purposes the sum of not more than \$35,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated. (Feb. 28, 1929, 45 Stat. 1407.)

**938. Disposal of moneys received; refund of excess.**—That hereafter all moneys received as contributions toward cooperative work in forest investigations, or the protection and improvement of the national forests, shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations, protection, or improvements by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, or improvements. (June 30, 1914, 38 Stat. 430; 16 U. S. C., sec. 498.)

**939. Disposal of money received by or on account of Forest Service.**—That hereafter, all moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of said Act [Mar. 1, 1911, 36 Stat. 963], or any amendment or extension thereof, shall be disposed of as is provided by existing law for the disposition of receipts from national forests. (Mar. 4, 1917, 39 Stat. 1150; 16 U. S. C., sec. 499.)

**940. Disposal of money received by or on account of Forest Service; refunds.**—That all money received by or on account of the forest service for timber, or from any other source of national-forest revenue, shall be covered into the Treasury of the United States as a miscellaneous receipt and there is hereby appropriated and made available as the Secretary of Agriculture may direct out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States. There is appropriated and included so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal. (Mar. 4, 1907, 34 Stat. 1270; Mar. 4, 1911, 36 Stat. 1253; 16 U. S. C., sec. 499.)

**941. Payment of receipts to State for schools and roads.**—That twenty-five per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this Act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than forty per centum of the total income of such county from all other sources. (May 23, 1908, 35 Stat. 260; Mar. 1, 1911, sec. 13, 36 Stat. 963; June 30, 1914, 38 Stat. 441; 16 U. S. C., sec. 500.)

**942. Additional expenditures from receipts for roads and trails; co-operation with State authorities.**—That hereafter an additional ten per centum of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part. (Mar. 4, 1913, 37 Stat. 843; 16 U. S. C., sec. 501.)

**943. Rental of property for Forest Service; forage, care, and housing of animals; storage of vehicles and other equipment; loss, damage, or destruction of horses, vehicles, and other equipment.**—The Secretary of Agriculture is authorized, under such regulations as he may prescribe:

(a) To hire or rent property from employees of the Forest Service for the use of officers of that service other than use by the employee from whom hired or rented, whenever the public interest will be promoted thereby: *Provided*, That the aggregate amount to be paid permanent employees under authorization of this subsection, exclusive of obligations occasioned by fire emergencies, shall not exceed \$3,000 in any one year.

(b) To provide forage, care, and housing for animals, and storage for vehicles and other equipment obtained by the Forest Service for the use of that service from employees.

(c) To reimburse owners for loss, damage, or destruction of horses, vehicles, and other equipment obtained by the Forest Service for the use of that service from employees or other private owners: *Provided*, That payments or reimbursements herein authorized may be made from the applicable appropriations for the Forest Service: *And provided further*, That except for fire-fighting emergencies no reimbursement herein authorized shall be made in an amount in excess of \$50 in any case unless supported by a written contract of hire or lease. (Mar. 4, 1913, 37 Stat. 843; Jan. 31, 1931, 46 Stat. 1052; 16 U. S. C., sec. 502.)

**944. Appropriation for roads and trails; mode and manner of expenditure.**—That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of \$1,000,000 for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and each fiscal year thereafter, up to and including the fiscal year ending June thirtieth, nineteen hundred and twenty-six, in all \$10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county, and the United States: *And provided also*, That the aggregate expenditures in any State, Territory, or county shall not exceed ten per centum of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national-forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest ten per centum thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forests. (July 11, 1916, sec. 8, 39 Stat. 358; 16 U. S. C., sec. 503.)

**944a. Same; purpose for which available.**—That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the Act of July 11, 1916 (U. S. C., pp. 422, 423, sec. 503), and of section 23 of the Federal Highway Act of November 9, 1921, and Acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created thereunder in any State or Territory; *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment. (May 16, 1928, 45 Stat. 569; Feb. 16, 1929, 45 Stat. 1220; 16 U. S. C., sec. 503a.)

**945. Purchase of tree seed, cones, and nursery stock for national forests.**—That hereafter the Secretary of Agriculture may procure such seed, cones, and nursery stock [for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting] by open purchase, without advertisements for proposals, whenever in his discretion such method

is most economical and in the public interest and when the cost thereof will not exceed \$500. (June 30, 1914, 38 Stat. 429; 16 U. S. C., sec. 504.)

946. Agricultural lands open to homestead entry.—That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary national forests, except the following counties in the State of California, San Luis Obispo, and Santa Barbara; which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the national forests, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this Act [16 U. S. C., secs. 506-509].

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January first, nineteen hundred and six, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this Act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States supervisor of surveys, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within national forests may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this Act shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries. No land listed under this Act shall pass from the forest until patent issues. (June 11, 1906, sec. 1, 34 Stat.

233; May 30, 1908, 35 Stat. 554; Aug. 10, 1912, 37 Stat. 287; Mar. 3, 1925, 43 Stat. 1144; 16 U. S. C., sec. 506.)

**947. Additional homestead right of entry to former settlers.**—That settlers upon lands chiefly valuable for agriculture within national forests on January first, nineteen hundred and six, who have already exercised or lost their homestead privilege, but are otherwise competent to enter lands under the homestead laws, are hereby granted an additional homestead right of entry for the purposes of this Act only, and such settlers must otherwise comply with the provisions of the homestead law, and in addition thereto must pay two dollars and fifty cents per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands. (June 11, 1906, sec. 2, 34 Stat. 234; 16 U. S. C., sec. 507.)

**948. Entries in Black Hills National Forest subject to mining laws and appropriation of waters.**—That all entries under this Act in the Black Hills National Forest shall be subject to the quartz or lode mining laws of the United States, and the laws and regulations permitting the location, appropriation, and use of the waters within the said national forest for mining, irrigation, and other purposes; and no titles acquired to agricultural lands in said Black Hills National Forest under this Act shall vest in the patentee any riparian rights to any stream or streams of flowing water within said reserve; and that such limitation of title shall be expressed in the patents for the lands covered by such entries. (June 11, 1906, sec. 3, 34 Stat. 234; 16 U. S. C., sec. 508.)

**949. Black Hills or Harney National Forest; exchange of lands.**—That any lands within five miles of the exterior boundaries of the Black Hills National or Harney National Forest not in Government ownership, which are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes, may be offered and title thereto accepted in exchange for national forest land or timber in the Black Hills National or Harney National Forest, under and in accordance with the provisions of the Act of March 20, 1922, Public 173, and the Acts amendatory thereto [16 U. S. C., secs. 485, 486]. Lands conveyed to the United States under this Act shall upon acceptance of title become parts of the adjacent national forest. (Feb. 15, 1927, 44 Stat. 1099 16 U. S. C., sec. 508a.)

**950. Future settlements on lands within reserves, and rights of former bona fide settlers.**—That nothing herein contained [16 U. S. C., secs. 506–509] shall be held to authorize any future settlement on any lands within national forests until such lands have been opened to settlement as provided in this Act, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a national forest. (June 11, 1906, sec. 5, 34 Stat. 234; 16 U. S. C., sec. 509.)

**951. Right of homestead entry extended.**—All lands within national forests in Lawrence and Pennington Counties, in South Dakota, shall be and remain subject to all other provisions of the Act of June eleventh, nineteen hundred and six, and Acts amendatory thereof and supplementary thereto [16 U. S. C., secs. 506–509]. (Aug. 8, 1916, 39 Stat. 440; 16 U. S. C., sec. 510.)

**952. Right of homestead entry denied to certain lands; Custer National Forest.**—That from and after the passage of this Act no applications may be accepted by the Secretary of Agriculture for the classification and listing of any land in the Custer National Forest for homestead entry under the provisions of the Act of June 11, 1906 (Thirty-fourth Statutes, page 233; United States Code, title 16, section 506), nor shall any lands be so classified for entry under the provisions of the Act of August 10, 1912 (Thirty-seventh Statutes, pages 269-287): *Provided*, however, That the Secretary of Agriculture may, in his discretion, list limited tracts when in his opinion such action will be in the public interest and will not be injurious to other settlers or users of the national forest. (June 13, 1930, 46 Stat. 583; 16 U. S. C., sec. 510a.)

**953. Reinstatement of homestead entries canceled or relinquished.**—That all homestead entries which have been canceled or relinquished, or are invalid solely because of the erroneous allowance of such entries after the withdrawal of lands for national forest purposes, may be reinstated or allowed to remain intact, but in the case of entries heretofore canceled applications for reinstatement must be filed in the proper local land office prior to July first, nineteen hundred and twelve. (Mar. 3, 1911, sec. 1, 36 Stat. 1084; 16 U. S. C. sec. 511.)

**954. Segregation of lands for homestead entry.**—That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that may be opened to settlement and entry under the homestead laws applicable to the national forests and hereafter such surveys, and the plats and field notes thereof, shall be made by employees of the Forest Service, to be designated by the United States supervisor of surveys, and such surveys and the plats and field notes thereof shall be approved by the United States supervisor of surveys. Mar. 4, 1913, 37 Stat. 842; Mar. 3, 1925, 43 Stat. 1144; 16 U. S. C., sec. 512.)

**955. National Forest Reservation Commission.**—That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two members of the Senate, to be selected by the President of the Senate, and two members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section six of this Act [16 U. S. C., sec. 515], and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment. (Mar. 1, 1911, sec. 4, 36 Stat. 962; 16 U. S. C., sec. 513.)

**956. Annual reports.**—That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of

the commission, in detail during the preceding fiscal year. (Mar. 1, 1911, sec. 5, 36 Stat. 962; 16 U. S. C., sec. 513.)

**957. Appropriation for expenses of Commission; payment.**—That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of twenty-five thousand dollars, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission. (Mar. 1, 1911, sec. 14, 36 Stat. 963; 16 U. S. C., sec. 514.)

**958. Examination, etc., for purchase of forested, cut-over, and denuded lands and report by Secretary of Agriculture.**—That section 6 of the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), is hereby amended to authorize and direct the Secretary of Agriculture to examine, locate, and recommend for purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams or by the Secretary of Agriculture showing that such control will promote the production of timber thereon. (Mar. 1, 1911, sec. 6, 36 Stat. 961; June 7, 1924, sec. 6, 43 Stat. 654; 16 U. S. C., sec. 515.)

**959. Purchase of lands approved by commission; consent of State.**—That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams: *Provided further*, That with the approval of the National Forest Reservation Commission as provided by sections 6 and 7 of this Act [16 U. S. C., sec. 515, 516], and when the public interests will be benefited thereby, the Secretary of Agriculture be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests acquired under this Act which, in his opinion, are chiefly valuable for the purposes of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him: *And provided further*, That before any such exchange is effected notice of the contemplated exchange reciting the

lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subject to all the provisions of this Act [16 U. S. C., secs. 480, 500, 513-519, 521, 552, 563]. (Mar. 1, 1911, sec. 7, 36 Stat. 962; Mar. 3, 1925, 43 Stat. 1215; 16 U. S. C., sec. 516.)

**960.** Written statement by governor when legislature is not in session, that members of legislature have consented to acquisition of land by United States.—That to allow and facilitate the purchase of forest lands under the provisions of the Act approved March 1, 1911 (36 Stat. 961; U. S. C., title 16, secs. 613-521), in States which desire that such purchases shall be made but cannot give their formal consent thereto until the next meeting of their legislative bodies, it is hereby provided that a written statement of consent signed by the Governor of the State prior to January 1, 1935, and containing the certification that a majority of the individual members of the current State legislative body have expressed in writing to the Governor their concurrence in and approval of such statement of consent shall be regarded as fully complying with and satisfying the requirements of that part of section 7 of said Act of March 1, 1911 [16 U. S. C., sec. 516], which provides that no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under said Act until the legislature of the State in which the land lies shall have consented to the acquisition of said land by the United States (June 14, 1934, 48 Stat. 955; 16 U. S. C., sec. 516a.)

**961.** Title to lands to be acquired; payment of awards in condemnation proceedings.—That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this Act [16 U. S. C., secs. 513-519, 521], but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney General and shall be vested in the United States: *Provided*, That in condemnation proceedings, heretofore or hereafter prosecuted, for the acquisition of lands under this Act, in which a decree is entered vesting title thereto in the United States upon payment of the award into the registry of the court, the Secretary of Agriculture is authorized to make such payment when advised by the Attorney General that the proceedings and the decree are regular. (Mar. 1, 1911, sec. 8, 36 Stat. 962; Dec. 11, 1926, 44 Stat. 919; 16 U. S. C., secs. 517, 517a.)

**962.** Acquisition of lands not defeated by right-of-way, easements, and reservations.—That such acquisition by the United States shall in no case be defeated because of located or defined rights-of-way, easements, and reservations, which, from their nature will, in the opinion of the National Forest Reservation Commission and the Secretary of Agriculture, in no manner interfere with the use of the lands so

encumbered, for the purpose of the Act [16 U. S. C., secs. 480, 500, 513-519, 521]: *Provided*, That such rights-of-way, easements, and reservations retained by the owner from whom the United States receives title, shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection, and administration, and that such rules and regulations shall be expressed in and made part of the written instrument conveying title to the lands to the United States; and the use, occupation, and operation of such rights-of-way, easements, and reservations shall be under, subject to, and in obedience with the rules and regulations so expressed. (Mar. 1, 1911, sec. 9, 36 Stat. 962; Mar. 4, 1913, 37 Stat. 855; 16 U. S. C., sec. 518.)

**963. Agricultural lands included in tracts acquired.**—That inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this Act [16 U. S. C., secs. 513-519], the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this Act [16 U. S. C., secs. 513-519], or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided. (Mar. 1, 1911, sec. 10, 36 Stat. 962; 16 U. S. C., sec. 519.)

**964. Regulations as to mineral resources.**—The Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting development, and utilization of the mineral resources of the lands acquired under the Act of March first, nineteen hundred and eleven (Thirty-sixth Statutes, page nine hundred and sixty-one) [16 U. S. C., secs. 513-519], known as the Weeks law, upon such terms and for specified periods or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this Act shall be disposed of as is provided by existing law for the disposition of receipts from national forests. (Mar. 4, 1917, 39 Stat. 1150; 16 U. S. C., sec. 520.)

**965. Lands acquired to be reserved, etc., as national forest lands; designations.**—That, subject to the provisions of section 10 of this Act [16 U. S. C., sec. 519], the lands acquired under this Act [16 U. S. C., secs. 513-519], shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the Act approved March third, eighteen hundred and ninety-one (volume twenty-six, Statutes at Large, page eleven hundred and three [16 U. S. C., sec. 471], and Acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time

divide the lands acquired under this Act [16 U. S. C., secs. 513-519] into such specific national forests and so designate the same as he may deem best for administrative purposes. (Mar. 1, 1911, sec. 11, 36 Stat. 963; 16 U. S. C., sec. 521.)

**966. Rights-of-way for electrical plants, etc.**—That the Secretary of Agriculture be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights-of-way through the national forests for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any national forest only upon the approval of the chief officer of the Department under whose supervision such national forest falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title sixty-five of the Revised Statutes of the United States [47 U. S. C., secs. 1-6, 8], and amendments thereto, regulating rights-of-way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of Agriculture under the provisions of this Act may be revoked by him or his successor in his discretion, and shall not be held to confer any right or easement, or interest in, to, or over any national forest. (Feb. 15, 1901, 31 Stat. 790; Feb. 1, 1905, sec. 1, 33 Stat. 628; 16 U. S. C., sec. 522.)

**967. Rights-of-way for electrical poles and lines.**—That the head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone, and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: *Provided*, That such right-of-way shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief

officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided*, That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this Act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute. (Mar. 4, 1911, 36 Stat. 1253; 16 U. S. C., sec. 523.)

**968. Rights-of-way for dams, reservoirs, and water plants for municipal and mining purposes.**—That rights-of-way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes tunnels, and canals, within and across the national forests of the United States are hereby granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are respectively situated. (Feb. 1, 1905, sec. 4, 33 Stat. 628; 16 U. S. C., sec. 524.)

**969. Lands in Boulder County, Colo., granted to Boulder Colo., for water supply; grant subject to existing legal rights.**—That the following-described tracts of land, situate in the county of Boulder, Colorado, namely, all of the north half of the southeast quarter of section eighteen, all of lots six and ten of section eighteen, all of lot three of section eighteen, all of the northeast quarter of the southwest quarter of section eighteen, all of lot two of section eighteen, and all of the southeast quarter of the northwest quarter of section eighteen; all of the north half of the southeast quarter of section nineteen, all of the southeast quarter of the southeast quarter of section nineteen, all of lot three of section nineteen, and all of the northeast quarter of the southwest quarter of section nineteen; all of lot two of section twenty, all of the southwest quarter of the northwest quarter of section twenty and all of the northwest quarter of the southwest quarter of section twenty; all of the southwest quarter of the southeast quarter of section twenty-one; all of the southeast quarter of the southwest quarter of section twenty-one and all of the northwest quarter of the southwest quarter of section twenty-one; all of the northeast quarter of section twenty-eight all of the southeast quarter of section twenty-eight, and all of the northeast quarter of the northwest quarter of section twenty-eight; all of the north half of the northwest quarter of section twenty-nine and all of the northwest quarter of the northeast quarter of section twenty-nine; all of the north half of the northeast quarter of section thirty and all of lot one of section thirty; all in township one north, range seventy-three west of the sixth principal meridian; also all of the southeast quarter of section twenty-four and all of the north half of the northeast quarter of section twenty-five, in township one north, range seventy-four west of the sixth principal meridian; containing one thousand

five hundred and fifty-seven and eighty-seven one-hundredths acres of land, more or less, be, and the same is hereby, granted and conveyed to the city of Boulder in the county of Boulder and State of Colorado, upon the payment of one dollar and twenty-five cents per acre by said city to the United States, to have and to hold said lands to its use and behoof forever for purposes of water storage and supply of its waterworks; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises: *Provided, however,* That the grant hereby made is, and the patent issued hereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States. (Mar. 2, 1907, 34 Stat. 1223.)

970. Additional lands in Colorado National Forest granted to Boulder, Colo., for water supply.—That the city of Boulder, in the county of Boulder, Colorado, is hereby authorized, for a period of five years from and after the passage of this Act, to purchase, and the Secretary of the Interior is hereby directed to convey to said city for use in connection with the lands heretofore purchased by said city under the provisions of the Act of Congress entitled, "An Act to grant certain lands to the city of Boulder, Colorado", approved March 2, 1907 (Thirty-fourth Statutes, page 1223), for purposes of water storage and supply of its waterworks, the following described lands, to wit: The west half of section twenty-seven and the north half of the northwest quarter of section thirty-four, township one north, range seventy-three west, sixth principal meridian, containing four hundred acres within the Colorado National Forest, or any part of said lands. (Sept. 29, 1919, sec. 1, 41 Stat. 288.)

971. Payment; prior rights not affected; mineral deposits reserved; reversion.—That the said conveyance shall be made upon the payment by said city for the lands purchased at the rate of \$1.25 per acre: *Provided*, That the conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided further*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same: *And provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose, the same, or such parts thereof not so used, shall revert to the United States; the conditions and reservations herein provided for shall be expressed in the patent. (Sept. 29, 1919, sec. 2, 41 Stat. 289.)

972. Cibola National Forest; lands eliminated.—That the lands in townships 8 and 9 north, ranges 16 and 17 west, of the New Mexico principal meridian, New Mexico, comprising the Miller Division of the Cibola National Forest, are hereby eliminated from the Cibola

National Forest and withdrawn as an addition to the Zuni Indian Reservation, subject to any valid existing rights of any persons thereto. (June 20, 1935, Public 156, 74th Cong.)

973. Cleveland National Forest; lands granted to San Diego, Calif., for water supply.—That the south half northeast quarter northwest quarter and the north half southwest quarter section 8; the west half southwest quarter southwest quarter and the west half northeast quarter northwest quarter section 9, all in township 15 south, range 2 east, San Bernardino base and meridian, within the Cleveland National Forest; and the southwest quarter southwest quarter, the east half southwest quarter, the northwest quarter southeast quarter and the west half northeast quarter southeast quarter section 11; the north half northwest quarter and the southwest quarter northwest quarter section 14; the southeast quarter southwest quarter, the southwest quarter southeast quarter, the east half southwest quarter southwest quarter, the northeast quarter southwest quarter, the east half northeast quarter northwest quarter, the east half southeast quarter northwest quarter, the northeast quarter, the north half southeast quarter and the southeast quarter southeast quarter section 15; the northeast quarter southeast quarter section 21; the northwest quarter northeast quarter, the northwest quarter, the north half southwest quarter, the southwest quarter southwest quarter, the west half northeast quarter northeast quarter, and the south half northeast quarter section 22; the west half northwest quarter section 27; the east half northeast quarter, the southwest quarter northeast quarter, the southeast quarter, the east half northeast quarter southwest quarter, the east half southeast quarter southwest quarter, and the east half northwest quarter northeast quarter section 28; and the northeast quarter, the west half southeast quarter, the east half southwest quarter, the southeast quarter northwest quarter, and the east half northeast quarter northwest quarter section 33, all in township 14 south, range 2 east, San Bernardino base and meridian; also the north half southwest quarter, the southwest quarter southwest quarter, the west half northwest quarter southeast quarter, the west half southwest quarter southeast quarter, and the north half southeast quarter southwest quarter section 3; and lots 2, 3, 6, 7, 8, 9, 10, 11, and the south half section 4, all in township 15 south, range 2 east, San Bernardino base and meridian, within the Capitan Grande Indian Reservation, all within the county of San Diego and State of California, are hereby granted to the city of San Diego, a municipal corporation in said county and State, for dam and reservoir purposes for the conservation and storage of water, whenever said city shall have provided compensation as hereinafter specified for all property rights and interests and damages done to Mission Indians located upon the Capitan Grande Indian Reservation: *Provided*, That the lands herein granted shall not be sold, assigned, transferred, or conveyed to any private person, corporation, or association; and in case of any attempt to sell, assign, transfer, or convey, or upon a failure to use and apply said lands exclusively to the purposes herein specified, this grant shall revert to the United States: *Provided, however*, That proceedings to acquire the nine hundred and twenty acres of additional land granted by this Act, as herein amended, by eminent domain of the State of California as authorized by the provisions

of this Act herein contained, may at the option of the city of San Diego be dispensed with, and if the said city so elects and upon payment by said city as compensation for such lands, rights, interests, and damages of the additional sum of \$35,567.20, the Secretary of the Interior of the United States is hereby authorized and directed to issue to said city a patent in fee simple conveying all the rights, titles, and interests of the said Indians and of the United States in and to all of the lands herein above described: *Provided further*, That no provisions of this Act and nothing done in carrying out its provisions, as between the United States, said Mission Indians and their grantees, shall in any wise limit or terminate any rights within the Capitan Grande Indian Reservation of any person, persons, or corporations heretofore granted or conveyed under or by authority of the laws of the United States.

No provisions of this Act and nothing done in carrying out its provisions shall have the effect of terminating or limiting the rights of said Capitan Grande Indians or of the United States in or to the lands or in the waters flowing in or along the lands remaining in and forming a part of the Capitan Grande Reservation after the city of San Diego has acquired title to the lands herein granted: *Provided*, That in the event the Indians of the Capitan Grande Reservation, or any of them, are located on additional land or lands purchased by the United States for them and situate within the watershed of the San Diego River, the said Indians or any of them or the United States in their behalf shall have the right to transfer to such additional land or lands, in whole or in part, such water rights as they or the United States possess on the Capitan Grande Indian Reservation, and subject to the conditions hereinafter provided shall have the same right to develop and use a like quantity of water on such additional land or lands as they have heretofore had the right to develop and use within said reservation: *Provided further*, That the total quantity of water developed and used by the said Indians or by the United States in their behalf, including the use continued on the diminished reservation, shall not exceed in the aggregate the total quantity of water which said Indians or the United States in their behalf have heretofore had the right to develop and use within the Capitan Grande Indian Reservation.

The grant herein to the said city of San Diego is hereby expressly made subject to such rights, which rights shall not be subject to loss by nonuse or abandonment thereof so long as the title to said lands remains in the Indians or in the United States.

The funds paid and those to be paid by the said city of San Diego as compensation to the Capitan Grande Indians for their lands shall, in addition to the uses in the Act of February 28, 1919 (40 Stat. L. 1206-1209), for the removal of said Indians as a tribe, be available also for reestablishing individually or as a group or groups the Capitan Grande Band of Indians, including those residing within the Conejos Valley of the retained reservation, on tract or tracts of land to be acquired by purchase or otherwise for them, and for the acquiring of water rights including cost of transferring in whole or in part their present water rights to such other lands, construction of necessary water works, including the development of a water supply, for domestic and irrigation purposes, purchasing or building

homes, purchasing of household furnishings, farm equipment, livestock, and other improvements for the benefit of these Indians under such rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That those Indians desiring to remain on that part of the Capitan Grande Reservation not disposed of under this Act may remain thereon and receive such benefits there. (Feb. 28, 1919, 40 Stat. 1206; May 4, 1932, 47 Stat. 146.)

974. Lands granted subject to existing legal rights.—That the lands herein granted are and shall be subject to all legal rights heretofore acquired by any person, persons, or corporation in or to the above described premises, or any part thereof, and now existing under and by virtue of the laws of the United States, and no private right, title, interest, or claim of any person, persons, or corporation in or to any of such lands shall be interfered with or abridged, except with the consent of the owner or owners, or claimant or claimants thereof, or by due process of law and just compensation paid to such owner or claimant: *Provided*, That the rights and claims of the Mission Indians of the Capitan Grande Indian Reservation, located upon the lands herein described and affected by the grant herein, shall be protected and provided for as hereafter set forth in section three of this Act. (Feb. 28, 1919, sec. 2, 40 Stat. 1207.)

975. Condemnation proceedings by California for Indian lands; grant not effective until payment of condemnation awards, etc.—That the law of eminent domain of the State of California is hereby extended over and made to apply to said lands, and the Secretary of the Interior or his duly authorized representative is hereby directed to appear on behalf of, in the name of, and to represent the Capitan Grande Band of Indians and the United States in any proceedings instituted by the city of San Diego to condemn the interest of said Indians in said lands: *Provided*, That any judgment or order of condemnation entered in such proceeding shall be binding upon said Capitan Grande Band of Indians only upon the approval by the Secretary of the Interior of the terms of said judgment: *Provided further*, That the Secretary of the Interior shall require from the city of San Diego in addition to the award of condemnation such further sum which, in his opinion, when added to said award, will be sufficient in the aggregate to provide for the purchase of additional lands for the Capitan Grande Band of Indians, the erection of suitable homes for the Indians on the lands so purchased, the erection of such schools, churches, and administrative buildings, the sinking of such wells and the construction of such roads and ditches, and providing water and water rights and for such other expenses as may be deemed necessary by the Secretary of the Interior to properly establish these Indians permanently on the lands purchased for them; and the Secretary of the Interior is hereby authorized to expend the proceeds or any part thereof, derived from this grant for the purposes above enumerated, for the exclusive use and benefit of said Indians: *And provided further*, That the grant made in this Act shall not become effective until payment has been made of the sums herein provided for. (Feb. 28, 1919, sec. 3, 40 Stat. 1207.)

976. Acquisition of lands by grantee; forfeiture for failure to commence.—That within one year after the approval of this Act the city

of San Diego shall commence condemnation proceedings to acquire the lands herein described and shall diligently prosecute such proceedings to a final judgment. Within two years after the approval by the Secretary of the Interior of any such judgment of condemnation the city of San Diego shall institute, and thereafter shall diligently prosecute, proceedings for the issuance and sale of municipal bonds to defray the amount necessary to satisfy any such judgment of condemnation, paying such additional sum as the Secretary of the Interior may require, as provided for in section three, and providing for the acquisition, construction, and completion of a dam, reservoir, pipe line, and appurtenances thereto necessary or convenient to the storage and conservation of water upon the lands herein described for the purposes set forth in this bill. Within six months from the time of payment into the city treasury of the moneys realized from the sale of municipal bonds issued as herein provided the city of San Diego shall commence the construction of said dam and reservoir, and the same shall be prosecuted diligently, and in the event that the Secretary of the Interior shall find and determine that there has not been diligent prosecution of the work, or that said condemnation proceedings have not been commenced and diligently prosecuted, or that municipal bonds have not been issued and sold as herein provided, then he may declare forfeited all rights of the grantees herein and request the Attorney General, on behalf of the United States, to commence suits or proceedings in the proper court having jurisdiction thereof for the purpose of procuring a judgment declaring all rights to be forfeited to the United States, and upon such request it shall be the duty of said Attorney General to cause to be commenced and prosecuted to a final judgment such suits or proceedings: *Provided*, That the Secretary of the Interior shall make no such findings and take no such action if he shall find that the issuance or sale of municipal bonds or the construction or progress of the dam or reservoir has been delayed or prevented by the act of God or the public enemy or by legal, engineering, or other difficulties that could not have been reasonably foreseen and overcome, or by other special or peculiar difficulties beyond the control of said grantee: *Provided further*, That in the exercise of the rights granted by this Act the grantee shall at all times comply with the regulations herein authorized, and in the event of any material departure therefrom the Secretary of the Interior or the Secretary of Agriculture, respectively, may take such action as may be necessary in the courts or otherwise to enforce such regulations: *Provided further*, That if such dam be built the Indians of the Capitan Grande Reservation shall be permitted to reside on, occupy, and cultivate the lands of their present reservation up until within ninety days of the time when water for storage purposes will be turned into the reservoir to be constructed hereunder, provided such occupancy by the Indians will not materially hinder the construction of the dam and storage work, which fact is to be determined by the Secretary of the Interior. (Feb. 28, 1919, sec. 4, 40 Stat. 1207.)

**977. Use of reservoir; sale of water to Government.**—That said reservoir, when constructed, shall be maintained and controlled by the city of San Diego for the use and benefit of said city and the

inhabitants thereof and of such other municipalities within the county of San Diego, State of California, as may be now or hereafter furnished with water by said city of San Diego, and for the use and benefit of riparian owners along the San Diego River below the lands herein described and for the benefit of persons, corporations, or municipalities situated along or adjacent to the pipe lines of said city of San Diego for the conservation and storage of water for domestic, irrigation, or municipal uses: *Provided*, That the city of San Diego shall sell to the United States for the use of the War and Navy Departments such water as the War and Navy Departments, or either of them, may elect to take, and shall deliver the same through its system in or near the city of San Diego to the mains or systems of such military or naval reservations in that vicinity as may be designated by the Secretary of War or the Secretary of the Navy, or both, under such rules and regulations as they or either of them may prescribe. In payment of such water and the delivery thereof the United States shall pay to said city of San Diego a rental to be calculated at a fixed rate per one thousand gallons, said rate not to exceed the actual cost of such water to said city for all water so furnished as determined by meter measurements: *Provided, however*, That the grantee shall at all times comply with and observe on its part, all of the conditions specified in this Act, and in the event that the sums are not reasonably complied with and carried out by the grantee upon written request by the Secretary of the Interior it is made the duty of the Attorney General, in the name of the United States, to commence all necessary suits or proceedings in the proper court having jurisdiction thereof for the purpose of enforcing and carrying out the provisions of this Act: *Provided*, That the city of San Diego is authorized to assign all its rights, powers, and privileges under this Act to any public water district formed under the laws of California. (Feb. 28, 1919, sec 5, 40 Stat. 1208.)

**978. State laws.**—That this Act is a grant upon certain express conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water used in irrigation, or for municipal or other uses or any vested rights acquired thereunder, and the Secretary of the Interior and the city of San Diego in carrying out the provisions of this Act shall proceed in conformity with the laws of said State. (Feb. 28, 1919, sec. 6, 40 Stat. 1209.)

**979. Time for filing acceptance of grant.**—That the grantee shall file with the Secretary of the Interior, within six months after the approval of this Act, its acceptance of the terms and conditions of this grant. (Feb. 28, 1919, sec. 7, 40 Stat. 1209.)

**980. Pike National Forest; lands reserved for water supply for Colorado Springs, Colo.**—That the public lands within the Pike National Forest, situated in the counties of El Paso and Teller, Colorado, hereinafter described, are hereby reserved from all forms of location or entry and set aside as a municipal water-supply reserve for the benefit of the city of Colorado Springs, a municipal corporation of the State of Colorado, to wit:

Lot three, the southeast quarter of the southwest quarter and the south half of the southeast quarter of section seven; the southwest quarter of the southwest quarter of section eight; the northwest quarter of the northwest quarter, the south half of the southwest quarter, the west half of the southeast quarter, and the northeast quarter of the southeast quarter of section seventeen; lots two, three, and four, the northeast quarter, the east half of the northwest quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter of section eighteen; lots two, three, and four, the northeast quarter, the southeast quarter of the northwest quarter, the east half of the southwest quarter, and the west half of the southeast quarter of section nineteen; the northwest quarter of the northwest quarter of section twenty; lots one, two, three, and four, the west half of the northeast quarter, the east half of the northwest quarter, and the east half of the southwest quarter of section thirty; lot one, the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section thirty-one, in township thirteen south, range sixty-eight west of the sixth principal meridian.

Lot six of section four; lots one, two, three, and four, the south half of the northeast quarter, and the northeast quarter of the southeast quarter of section nine; the south half of the northeast quarter, the south half of the northwest quarter, the southwest quarter, and the north half of the southeast quarter of section ten; the south half of the southeast quarter, and the northeast quarter of the southeast quarter of section fourteen; the north half of the northwest quarter, and the southeast quarter of the southeast quarter of section fifteen; lot two, the northeast quarter of the northeast quarter, the south half of the southeast quarter, and the northwest quarter of the southeast quarter of section twenty-two; the east half of the northeast quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, and the south half of section twenty-three; the north half of the north half, the southwest quarter of the northwest quarter, the southwest quarter, the west half of the southeast quarter, and the southeast quarter of the southeast quarter of section twenty-six; the north half of the northeast quarter, the southwest quarter of the northeast quarter, and the south half of section twenty-seven, in township fourteen south, range sixty-eight west of the sixth principal meridian.

The southeast quarter of the southwest quarter of section ten; the south half of the northeast quarter, the southwest quarter of the southwest quarter, the east half of the southwest quarter, and the southeast quarter of section thirteen; the northeast quarter of the southwest quarter, and the southeast quarter of the southeast quarter of section fourteen; the west half of the northeast quarter, and the north half of the southwest quarter of section fifteen; the west half of the northeast quarter, the west half of the southeast quarter, the southeast quarter of the southeast quarter, and the south half of the northeast quarter of the southeast quarter of section twenty-one; the northeast quarter, the east half of the northwest quarter, the east half of the southwest quarter, the southwest quarter of the southwest quarter, the south half of the northwest quarter of the southwest quarter, and the southeast quarter of the southeast quarter of section twenty-two; all of

sections twenty-three and twenty-four; the northeast quarter, the east half of the northwest quarter, and the south half of section twenty-five; the west half of the northeast quarter, the northwest quarter, and the south half of section twenty-six; all of section twenty-seven; the north half of the northeast quarter, the west half and the south half of the southeast quarter of section thirty-five; the north half of the northeast quarter, and the west half of section thirty-six, in township thirteen south, range sixty-nine west of the sixth principal meridian.

The west half (or lots three and four, the south half of the northwest quarter, and the southwest quarter) of section one; and the north half of the northeast quarter (or lots one and two) of section two, in township fourteen south, range sixty-nine west of the sixth principal meridian, containing ten thousand one hundred and thirty-one and twenty-three hundredths acres, more or less. (Feb. 27, 1913, sec. 1, 37 Stat. 684.)

**981. Same; Manitou, Colo.**—That the public lands within the Pike National Forest, situated in the counties of El Paso and Teller, Colorado, hereinafter described, are hereby reserved from all forms of location or entry and set aside as a municipal water-supply reserve for the benefit of the town of Manitou, a municipal corporation of the State of Colorado:

Lot four, the southeast quarter of the southwest quarter, and the south half of the southeast quarter of section thirty-one; the south half of the southwest quarter, the south half of the southeast quarter, and the northeast quarter of the southeast quarter of section thirty-two; the south half of the northeast quarter, the north half of the southwest quarter, and the east half of the southeast quarter of section thirty-three; all of section thirty-four; the west half of section thirty-five, in township thirteen south, range sixty-eight west of the sixth principal meridian.

Lots three and four, the south half of the northwest quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of section two; all (including lots one, two, three, and four) of section three; lot five, the north half (including lots one, two, three, and four), and the east half of the southeast quarter of section four; lots one, two, three, four, five, six, and seven, the south half of the northeast quarter, the south half of the northwest quarter, and the north half of the southwest quarter of section five; lots one, two, three, four, five, six, seven, and eight, the south half of the northeast quarter, the southeast quarter of the northwest quarter, the east half of the southwest quarter, the southwest quarter of the southeast quarter, and the north half of the southeast quarter of section six; lots one, two, three, and four of section seven; the north half of the northeast quarter of section ten, in township fourteen south, range sixty-eight west of the sixth principal meridian.

The east half (or lots one and two, the south half of the northeast quarter, and the southeast quarter) of section one; and all that part of the northeast quarter of section twelve lying north of the north line of the Pikes Peak Military Reservation, in township fourteen south, range sixty-nine west of the sixth principal meridian, containing four thousand seven hundred and twelve acres, more or less. (Feb. 27, 1913, sec. 2, 37 Stat. 685.)

**982. Administration of lands reserved.**—That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture at the expense of and in cooperation with the city of Colorado Springs and the town of Manitou, said expense to be borne and paid by said city of Colorado Springs and town of Manitou in proportion to the number of acres reserved for the respective use of each of said municipalities for the purpose of storing and conserving the water supply, protecting them from pollution, and preserving the timber on said lands to more fully accomplish such purposes, and to that end said city and town shall each have the right, subject to approval by the Secretary of Agriculture, to the use of any and all parts of the land reserved for them, respectively, for the storage and conveying of water, and the construction and maintenance thereon of reservoirs, pipes, mains, conduits, and other like improvements. (Feb. 27, 1913, sec. 3, 37 Stat. 686.)

**983. Regulations.**—That in addition to the authority given the Secretary of Agriculture under the Act of June fourth, eighteen hundred and ninety-seven (Thirty-first Statutes, page thirty-five), he is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this Act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands, and any violation of this Act or of regulations issued thereunder shall be punishable as is provided for in section fifty of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States approved March fourth, nineteen hundred and nine (Thirty-fifth Statutes at Large, page one thousand ninety-eight), as amended by the Act of Congress approved June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and fifty-seven). (Feb. 27, 1913, sec. 4, 37 Stat. 686.)

**984. Act subject to existing legal rights.**—That this Act shall be subject to the legal rights of any municipality, person, or persons in or to the above-described premises, or any part thereof, or the water thereof. (Feb. 27, 1913, sec. 5, 37 Stat. 687.)

**985. Right reserved to alter, amend, or repeal act.**—The right to alter, amend, or repeal this Act is hereby expressly reserved. (Feb. 27, 1913, sec. 6, 37 Stat. 687.)

**986. Rainier National Forest; reservation of lands for protection of water supply; administration; rules and regulations.**—That the President is hereby authorized, upon application by a municipality, to reserve and set aside from all forms of location, entry, or appropriation, under either the mineral or nonmineral land laws of the United States, any lands of the United States within the exterior boundaries of the Rainier National Forest which, in his judgment, are essential for the protection of the water supply of such municipality, and such reservation shall remain in force until revoked by him or by Act of Congress, said lands thereafter to be administered for watershed protection by the Secretary of Agriculture in cooperation with the municipality for whose benefit they were reserved, and the Secretary of Agriculture is authorized, in addition to the rules and regulations authorized by the Act of June 4, 1897 (Thirty-first Stat-

utes, page 11), and Acts supplemental thereto and amendatory thereof, to prescribe from time to time and enforce rules and regulations necessary to carry out the purpose of this Act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon such reservations. Any violation of this Act or of regulations issued thereunder shall be punishable as is provided for in section 50 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909" (Thirty-fifth Statutes at Large, page 1098), as amended by the Act of Congress approved June 25, 1910 (Thirty-sixth Statutes at Large, page 857) [18 U. S. C., sec. 104]. (Mar. 4, 1921, 41 Stat. 1367.)

**987. Salt Lake City; reservation of lands for protection of water supply.**—That the public lands within the several townships and subdivisions thereof hereinafter enumerated, situate in the county of Salt Lake, State of Utah, are hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or non-mineral land laws of the United States, and set aside as a municipal water supply reserve for the use and benefit of the city of Salt Lake City, a municipal corporation of the State of Utah, as follows, to wit: The south half of the south half of section nine; the south half of the southwest quarter and the southeast quarter of section ten; the south half of section eleven; section twelve; section thirteen; section fourteen; section fifteen; section sixteen; the northeast quarter and south half of section seventeen; the south half of the south half of section eighteen; section nineteen; section twenty; section twenty-one; section twenty-two; section twenty-three; section twenty-four; section twenty-five; section twenty-six; section twenty-seven; section twenty-eight; the north half of section twenty-nine; the north half of the north half of section thirty-three; the north half of the north half of section thirty-four; section thirty-five; section thirty-six, in township one north, range one east, of Salt Lake base and meridian; all of township one north, range two east of Salt Lake base and meridian; the south half of section thirty-two; the south half of section thirty-three; the south half of the south half of section thirty-four; the south half of section thirty-five, in township two north, range two east of Salt Lake base and meridian; the south half of section seven; the west half of the west half of section seventeen; section eighteen; section nineteen; section thirty; section thirty-one in township one north, range three east, of Salt Lake base and meridian; section one; section two; the northeast quarter of section eleven; section twelve; section thirteen; section twenty-four in township one south, range one east, of Salt Lake base and meridian; section one; section two; section three; section four; section five; section six; section seven; section eight; section nine; section ten; section eleven; section twelve; section thirteen; section fourteen; section fifteen; section sixteen; section seventeen; section eighteen; section nineteen; section twenty; section twenty-one; section twenty-two; section twenty-three; section twenty-four; the north half of section twenty-five, in township one south, range two east, of Salt Lake base and meridian; the west half and the southeast quarter of section five; section six; section seven; section eight; the west

half of the west half of section nine; the west half of the west half of section sixteen; section seventeen; section eighteen; section nineteen; section twenty; the west half and the southeast quarter of section twenty-one; the west half of section twenty-seven; section twenty-eight; section twenty-nine; section thirty; the north half of section thirty-two; the north half of section thirty-three; the northwest quarter of section thirty-four, in township one south, range three east, of Salt Lake base and meridian. (Sept. 19, 1914, sec. 1, 38 Stat. 714.)

**988. Administration of lands reserved.**—That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture in cooperation with and at the exclusive expense of the city of Salt Lake City, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands to more fully accomplish such purposes; and to that end said city shall have the right, subject to the approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved, for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes. (Sept. 19, 1914, sec. 2, 38 Stat. 715.)

**989. Regulations.**—That in addition to the authority given the Secretary of Agriculture under the Act of June fourth, eighteen hundred and ninety-seven (Thirty-ninth Statutes, page thirty-five), he is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this Act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands, and any violation of this Act or of regulations issued thereunder shall be punishable as is provided for in section fifty of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States, approved March fourth, nineteen hundred and nine" (Thirty-fifth Statutes at Large, page one thousand and ninety-eight), as amended by the Act of Congress approved June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and fifty-seven) [18 U. S. C., sec. 104]. (Sept. 19, 1914, sec. 3, 38 Stat. 715.)

**990. Act subject to prior legal rights; right reserved to alter, amend, or repeal act.**—That this Act shall be subject to all legal rights heretofore acquired under any law of the United States, and the right to alter, amend, or repeal this Act is hereby expressly reserved. (Sept. 19, 1914, sec. 4, 38 Stat. 716.)

**991. San Bernardino, Sierra, and San Gabriel National Forests; use of lands by Edison Electric Co.**—That upon the conditions herein named the Edison Electric Company, a corporation existing under the laws of the State of Wyoming, and engaged in generating and distributing electric energy for use by municipalities and the public generally for lighting and power purposes, is hereby granted a permit, the duration of which shall be fixed by the Secretary of the Interior immediately after the passage of this Act, revocable during the term fixed by said Secretary only in the manner and for the causes hereinafter specified, to occupy and use lands, to be designated in the manner hereinafter specified, within the San Bernardino, Sierra, and

San Gabriel forest reserves, in the State of California, for canals, conduit lines, pole lines, power houses, diverting dams, necessary grounds to be submerged above the diverting dams, and necessary buildings and structures for the water-power plants hereinafter described, for the generation, transmission, and distribution of electrical power, namely:

(a) For the diversion of the waters of Mill Creek from a point on Mill Creek in the southeast quarter of the northeast quarter section eight, township one south, range one west, San Bernardino base and meridian, and the conveyance of said waters thence westwardly and southwestwardly through said section eight and through sections seven and eighteen, township one south, range one west, San Bernardino base and meridian, and thence westwardly through section thirteen, township one south, range two west, San Bernardino base and meridian, to a power house situated on Mill Creek, in the southwest quarter of the northeast quarter of said section, thirteen, in the San Bernardino Forest Reserve.

(b) For the diversion of the waters of Mill Creek, from a point on Mill Creek in the northwest quarter of the northeast quarter of section thirteen, township one south, range one west, San Bernardino base and meridian; thence westwardly through said section thirteen and through sections fourteen, fifteen, sixteen, seventeen, and eighteen, township one south, range one west, San Bernardino base and meridian, and westwardly through section thirteen, township one south, range two west, San Bernardino base and meridian, to a power house on Mill Creek, in the southwest quarter of the northeast quarter of said section thirteen, in the San Bernardino Forest Reserve.

(c) For the diversion of the waters of the Santa Ana River from a point on Santa Ana River in the southwest quarter of the northwest quarter of section twenty, township one north, range one west, San Bernardino base and meridian; thence southwestwardly through said section twenty and through section nineteen, township one north, range one west, San Bernardino base and meridian, and sections twenty-four, twenty-three, and twenty-six, township one north, range two west, San Bernardino base and meridian, to a power house situated on Santa Ana River, in the northwest quarter of the northeast quarter of said section twenty-six, in the San Bernardino Forest Reserve.

(d) For the diversion of the waters of the Santa Ana River from a point on Santa Ana River in the northwest quarter of the northeast quarter of section twenty-six, township one north, range two west, San Bernardino base and meridian; thence westwardly, southwardly, and southwestwardly through said section twenty-six and through section thirty-five, township one north, range two west, San Bernardino base and meridian, and section thirty-four, township one north, range two west, San Bernardino base and meridian, to a power house situated on Santa Ana River, in the southwest quarter of the northeast quarter of said section thirty-four, in the San Bernardino Forest Reserve.

(e) For the diversion of the waters of Lytle Creek from a point on Lytle Creek in the southwest quarter of the northwest quarter of section twenty-six, township two north, range six west, San Ber-

nardino base and meridian, in the San Gabriel Forest Reserve; thence northeastwardly, eastwardly, and southeastwardly through said section twenty-six and through sections twenty-five and thirty-six, township two north, range six west, San Bernardino base and meridian, to the eastern boundary of said section thirty-six and the western boundary of the San Bernardino Forest Reserve; thence southwardly through section thirty-one, township two north, range five west, San Bernardino base and meridian, in the San Bernardino Forest Reserve, and southeastwardly through section six, township one north, range five west, San Bernardino base and meridian, to a power house in the northeast quarter of the northwest quarter of said section six in the San Bernardino Forest Reserve.

(f) For the diversion of the waters of Kern River from a point on Kern River, in the southwest quarter of the northwest quarter of section five, township twenty-eight south, range thirty-one east, Mount Diablo base and meridian; thence southwardly and southwestwardly through said section five and sections six and seven, township twenty-eight south, range thirty-one east, Mount Diablo base and meridian, and sections twelve, thirteen, twenty-four, and twenty-six, township twenty-eight south, range thirty east, Mount Diablo base and meridian, and westwardly, northwestwardly, and southwestwardly through sections twenty-six, twenty-seven, twenty-two, and twenty-eight, township twenty-eight south, range thirty east, and westwardly and northwestwardly through sections twenty-nine and thirty, township twenty-eight south, range thirty west, Mount Diablo base and meridian, to a power house in the northeast quarter of the southeast quarter of said section thirty, in the Sierra Forest Reserve.

(g) For the diversion of the waters of Kern River from a point on Kern River in the northwest quarter of the northeast quarter of section fifteen, township twenty-seven south, range thirty-two east, Mount Diablo base and meridian; thence southwardly and southwestwardly through said section fifteen and sections sixteen, seventeen, twenty, nineteen, and thirty, township twenty-seven south, range thirty-two east, and westwardly through section twenty-five, township twenty-seven south, range thirty-one east, Mount Diablo base and meridian, and southwestwardly through sections twenty-six, thirty-five, and thirty-four, township twenty-seven south, range thirty-one east, and westwardly and southwestwardly through section thirty-three, township twenty-seven south, range thirty-one east, and sections four and five, township twenty-eight south, range thirty-one east, Mount Diablo base and meridian, to a power house in the northwest quarter of the southwest quarter of said section five, in the Sierra Forest Reserve.

(h) For the diversion of the waters of Kern River from a point on Kern River, in the southeast quarter of the southwest quarter of section twelve, township twenty-three south, range thirty-two east, Mount Diablo base and meridian; thence southwardly and southeastwardly through said section twelve and sections thirteen, twenty-four, and twenty-five, township twenty-three south, range thirty-two east, Mount Diablo base and meridian, and southeastwardly through sections thirty, thirty-one and thirty-two, township twenty-three south, range thirty-three east, Mount Diablo base and meridian, and

southeastwardly, southwestwardly, and southwardly through sections five, eight, nine, sixteen, and seventeen, township twenty-four south, range thirty-three east, Mount Diablo base and meridian, and southwestwardly and southeastwardly through sections twenty, twenty-nine, thirty-two, and thirty-three, township twenty-four south, range thirty-three east, and southeastwardly and southwestwardly through sections three, ten, and nine, township twenty-five south, range thirty-three east, Mount Diablo base and meridian, to a power house in the northeast quarter of the northeast quarter of said section nine, in the Sierra Forest Reserve.

(i) For the diversion of the waters of Kern River from a point on Kern River in the southeast quarter of the northwest quarter of section five, township twenty-one south, range thirty-three east, Mount Diablo base and meridian; thence southwestwardly and southwardly through said section five and sections six, seven, eighteen, nineteen, thirty, and thirty-one, township twenty-one south, range thirty-three east, Mount Diablo base and meridian, and southwardly, southeastwardly, and southwestwardly through sections six, seven, and eighteen, township twenty-two south, range thirty-three east, Mount Diablo base and meridian, and southwestwardly through sections twenty-four, twenty-five, and thirty-six, township twenty-two south, range thirty-two east, Mount Diablo base and meridian, to the southeast quarter of the southwest quarter of said section thirty-six, township twenty-two south, range thirty-two east, Mount Diablo base and meridian; also southeastwardly through section twenty-five, township twenty-two south, range thirty-two east, Mount Diablo base and meridian, and southeastwardly and southwestwardly through sections thirty and thirty-one, township twenty-two south, range thirty-three east, Mount Diablo base and meridian, and southwestwardly through sections six and seven, township twenty-three south, range thirty-three east, Mount Diablo base and meridian, and westwardly through section twelve, township twenty-three south, range thirty-two east, Mount Diablo base and meridian, to a power house on the northwest quarter of the southeast quarter of said section twelve, in the Sierra Forest Reserve.

Permits for the construction of each of the foregoing power plants having been heretofore granted by the Interior or Agricultural Departments. (May 1, 1906, sec. 1, 34 Stat. 163.)

**992. Areas covered by permit.**—That the ground covered by the permit hereby granted shall include fifty feet on each side of the center of said canals or conduit lines and on each side of said pole lines, or so much thereof as may be actually necessary for their installation, maintenance, and use, and the ground actually occupied by and necessary for power houses, diverting dams, and necessary buildings and structures to be used in connection with the operation and maintenance of said water-power plants, together with fifty feet on each side of the marginal limits of all of such buildings and structures, or such portion of said fifty feet as may be actually necessary for the efficient operation and maintenance of said power plants, dams, and other structures; also the right to submerge and flood at the intake of each of said power plants within said forest reserves, not to exceed thirty acres in each case, such area only as may be actually necessary

to divert the water into the several canal or conduit lines for said several power plants. (May 1, 1906, sec. 2, 34 Stat. 166.)

**993. Maps.**—That within six months after the passage of this Act the Edison Electric Company shall file with the register of the United States land office for the district where said power plants are located, and with the Forester of the Department of Agriculture, a map and such copies thereof as the Secretary of the Interior may prescribe, showing separately as to each power plant the ground occupied or proposed to be occupied by such canals or conduit lines, pole lines, power houses, and other buildings and structures used in connection with said electrical power plants. These maps shall show the dimensions of each building and structure and each diverting dam, and the areas which it will be necessary to submerge at the point of intake of each power plant and, after the filing of said maps, all lands covered by this permit as shown on the maps, or to be occupied by such buildings and structures as shown, together with such portion of fifty feet on each side of the marginal limits thereof as may be actually necessary for the operation of the power plants, and such land as may be submerged by the construction and operation of said power plants, shall, when disposed of by the Government, be disposed of subject to the rights hereby granted unless said rights shall have terminated or shall have been revoked as herein provided prior to such disposal. (May 1, 1906, sec. 3, 34 Stat. 166.)

**994. Permittee to conform to forest reserve regulations; limitation on use of timber.**—That said company shall conform to all regulations adopted or prescribed by the Secretary of Agriculture or the Secretary of the Interior governing said forest reserves, or the use or the users thereof, and shall not take, cut, or destroy any timber within the forest reserves except such as it may be actually necessary to remove to construct its power plants and the structures pertaining thereto, and it shall be required to pay to the proper officer of the Forest Service the full value of all timber and wood cut, used, or destroyed by it within the forest reserves. (May 1, 1906, sec. 4, 34 Stat. 166.)

**995. Privileges granted not to interfere with control of water.**—That the privileges herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under laws of the United States or of the State of California. (May 1, 1906, sec. 5, 34 Stat. 166.)

**996. Private rights protected.**—That no private right, title, or interest owned by any person, persons, or corporation in such forest reserves shall be interfered with or abridged, except with the consent of the owner or owners, or by due process of law and just compensation to said owner or owners. (May 1, 1906, sec. 6, 34 Stat. 166.)

**997. Revocation of permit.**—That if the said permittee shall fail to consummate and put in operation the said power plant specified in subdivision (f) of section one hereof within two years from the date of the passage of this Act, or the power plant specified in subdivisions (g), (h), and (i) of section one hereof within five years from the passage of this Act; then as to each of said power plants not completed and put in operation within the time herein limited this permit shall be deemed to be revoked without judicial or other proceeding;

and a failure during any year after completion to operate any power plant provided for in this Act for a total time of ninety days in such year shall operate as a like revocation of this permit as to such plant or plants. (May 1, 1906, sec. 7, 34 Stat. 166.)

998. Permit granted subject to forest reserve laws, rules, and regulations.—That the enjoyment of the permit hereby granted shall be subject at all times to all laws relating to the forest reserves, and to all rules and regulations authorized and established thereunder, and that for infraction of such laws, rules, or regulations the owner or user of said permit shall be subject to all fines and penalties imposed thereby, and shall also be liable in a civil action for all damages that may accrue from such breach, and that for any continued infraction of such laws, rules, or regulations, or failure to pay any amount due the Forest Service from said company within sixty days of notice thereof, the Secretary of the Department of the Interior may, upon request of the Secretary of Agriculture, after due notice and hearing, revoke and vacate this permit: *Provided*, That the transfer of any lands from the jurisdiction of one department to that of another shall in no wise affect this permit, but the power hereby vested in the Secretary shall, upon such transfer, be deemed to be transferred with the land. (May 1, 1906, sec. 8, 34 Stat. 167.)

999. Annual payment of compensation; Departmental officers to have access to lands.—That the said company shall pay annually in advance to the proper officer of the Forest Service, as compensation for the privileges hereby granted, such reasonable sum as the Secretary of Agriculture may fix from year to year, and shall pay for wood or timber cut, removed, or destroyed as fast as the value thereof may be ascertained and charged by the Forester: *Provided*, That the Secretary of Agriculture, his agents and employees, and all officers of the Forest Service, shall have free and unrestricted access in, through, and across all lands and structures covered by said permit in the performance of their official duties, and the Secretary in charge of forest reserves may construct or permit to be constructed in, through, or across any land covered by said permit roads or trails, public or otherwise, or other means of transportation, not inconsistent with the enjoyment of the permit hereby granted: *Provided further*, That the Edison Electric Company shall, under penalty of immediate forfeiture of the permit hereby granted, when requested to do so, assist the forest officers in fighting fire, and shall furnish any men under its employ necessary for that purpose, and shall otherwise assist to the extent of its power in protecting the forest reserves and maintaining good order upon them. (May 1, 1906, sec. 9, 34 Stat. 167.)

1000. Power reserved to amend, modify, or repeal act.—That Congress shall have power at any time to amend, modify, or repeal this Act. (May 1, 1906, sec. 10, 34 Stat. 167.)

1001. San Francisco National Forest; right-of-way for pipe line.—That a right-of-way for a pipe line through sections twenty-six, thirty-six, township twenty-three north; sections two, twelve, fourteen, twenty-two, and twenty-eight, township twenty-two north; and sections four and sixteen, township twenty-one north, all in range seven east, Gila and Salt River meridian, in the San Francisco National Forest, in the county of Coconino and Territory of Ari-

zona, is hereby granted to the town of Flagstaff, a municipal corporation in said county and Territory, to the extent of the ground occupied by said pipe line and twenty-five feet on each side of the center line of the same.

Also the right to take from the lands adjacent to the lands hereby granted material, earth, stone, and timber necessary for the construction, maintenance, repair, and control of said pipe line. (June 6, 1900, sec. 1, 31 Stat. 657.)

**1002. Pipe line to be controlled exclusively for use of Flagstaff, Ariz.**—That said pipe line when constructed shall be maintained and controlled exclusively for the use and benefit of the said town of Flagstaff by the municipal authorities thereof, and for the purpose only of conveying water through said pipe line to said town for its exclusive use and benefit. (June 6, 1900, sec. 2, 31 Stat. 657.)

**1003. San Juan National Forest; sale of land to Durango, Colo., for protection of water supply.**—That the following-described tract of land situate in suspended township thirty-eight north, range seven west, New Mexico principal meridian, in La Plata County, Colorado, within the San Juan National Forest, to wit: A tract described by metes and bounds as per special survey approved by the Commissioner of the General Land Office on November first, nineteen hundred and nine: Beginning at corner numbered one, a cross at exact point on top of rock "D. R. G." on the northeast and "P. L." on the southwest face from which a basalt boulder fifty-four by thirty-six by thirty-three inches bears north thirty-nine degrees east forty-three links distant, marked "B. I. O."; a spruce nine inches in diameter bears north forty-five degrees ten minutes east eighty-eight and one-half links distant, marked "Cor. No. 1, D. R. G., B. T."; a spruce ten inches in diameter bears east eighty-eight links distant, marked "Cor. No. 1, D. R. G., B. T."; a spruce twelve inches in diameter bears south nineteen degrees forty-five minutes east eight[y]-four links distant, marked "Cor. No. 1, P. L., B. T."; a spruce ten inches in diameter bears north twenty degrees forty minutes west two hundred and forty-seven and one-half links distant, marked "Cor. No. 1, P. L., B. T."; thence north twenty degrees seven minutes east seventy-four and twenty-four one-hundredths chains to station numbered two; thence north seventy-seven degrees two minutes east sixteen and six-one hundredths chains to station numbered three; thence north eight degrees twenty-four minutes east thirty-six and thirty-six one-hundredths chains to station numbered four, whence United States location monument Mount Valois bears north thirty-eight degrees twenty-three minutes east seventy-six and thirty-one one-hundredths chains; thence north seven degrees twenty-eight minutes west sixty-eight and eighty-three one-hundredths chains to station numbered five; thence north ten degrees twenty-three minutes east seventy-seven and nineteen one-hundredths chains to station numbered six, whence United States location monument Mount Bullion bears north sixty-two degrees sixteen minutes west thirty-five and sixty-two one-hundredths chains; thence north eighty-seven degrees thirty-one minutes east nineteen and fifty-two one-hundredths chains to station numbered seven, whence United States location monument Tempest bears south four degrees twenty-four minutes west seventy and sixty-nine one-hundredths chains; thence south thirty-eight de-

grees thirty-seven minutes east fifty-three and twelve one-hundredths chains to station numbered eight; thence south eighty-five degrees thirty-one minutes east twenty-four and forty-five one-hundredths chains to station numbered nine; thence south eleven degrees fifty minutes east fifty-eight and thirty-two one-hundredths chains to station numbered ten; thence south fifty-six degrees eighteen minutes east fifty-nine and thirty-two one-hundredths chains to station numbered eleven; thence south twenty-eight degrees forty-six minutes east seventy and forty-six one-hundredths chains to station numbered twelve, Sheep Mountain; thence south sixty-five degrees thirty-two minutes west one hundred and thirty-one and ninety-two one-hundredths chains to station numbered thirteen, United States location monument Mount Sheridan; thence south fifty-two degrees thirty-two minutes west fourteen and fifty-one one-hundredths chains to station numbered fourteen; thence north eighty-seven degrees seven minutes west ninety-two and fifty-three one-hundredths chains to station numbered one, point of beginning, containing three thousand and forty-nine and eighty-seven one-hundredths acres, more or less, situate in township thirty-eight north, range seven west, New Mexico meridian, including those four certain reservoirs, claimed or occupied by said city of Durango, known as Reservoir Numbered One, or Upper Park Reservoir; Reservoir Numbered Two, or Santa Maria Lake; Reservoir Numbered Three, or Lake Lilly; and Reservoir Numbered Four, or Lakeside Lake, subject to any former grant or conveyance affecting said lands, be, and the same are hereby, granted and conveyed to the city of Durango, county of La Plata, and State of Colorado, to have and to hold said lands to its use and behoof forever for the purposes of water storage and supply of its waterworks and the protection of its water supply, and for such purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the said premises herein granted and conveyed in the construction of reservoirs, conduits, and flumes, and in the laying of pipes and mains, and in making such improvements as may be necessary to store, utilize, protect from pollution, and enjoy the waters contained in any natural or constructed reservoirs, basins, or waterways upon said premises: *Provided*, That the city of Durango shall pay for said land the sum of \$1.25 per acre: *Provided further*, That the Forest Service of the United States Department of Agriculture shall have full power to patrol the said lands and to protect them from fire and trespass: *And provided further*, That the Forest Service may dispose of the timber upon the said lands, except so much thereof as may be growing within one hundred feet from the margin of any natural or constructed reservoir, or of the main creeks within the said boundary flowing into such reservoirs, under such additional rules for lumbering, to protect said waters from pollution, as shall be described by the Forester and approved by the mayor of the city of Durango: *Ana provided further*, That if said city shall fence all or any part of said lands it shall provide practicable gates in such fence at points to be designated by the supervisor of the San Juan National Forest. (Mar. 1, 1907, sec. 1, 34 Stat. 1053; May 8, 1916, 39 Stat. 62.)

1004. **Reversion.**—That if the said city of Durango shall at any time hereafter abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert

to the Government of the United States. (Mar. 1, 1907, sec. 2, 34 Stat. 1054; May 8, 1916, 39 Stat. 62.)

1005. Stanislaus National Forest; rights-of-way for water supply.—That there is hereby granted to the city and county of San Francisco, a municipal corporation in the State of California, all necessary rights-of-way along such locations and of such widths, not to exceed two hundred and fifty feet, as in the judgment of the Secretary of the Interior may be required for the purposes of this Act, in, over, and through the public lands of the United States in the counties of Tuolumne, Stanislaus, San Joaquin, and Alameda, in the State of California, and in, over, and through the Yosemite National Park and the Stanislaus National Forest, or portions thereof, lying within the said counties, for the purpose of constructing, operating, and maintaining aqueducts, canals, ditches, pipes, pipe lines, flumes, tunnels, and conduits for conveying water for domestic purposes and uses to the city and county of San Francisco and such other municipalities and water districts as, with the consent of the city and county of San Francisco, or in accordance with the laws of the State of California in force at the time application is made, may hereafter participate in the beneficial use of the rights and privileges granted by this Act; for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for generation and sale and distribution of electric energy; also for the purpose of constructing, operating, and maintaining telephone and telegraph lines, and for the purpose of constructing, operating, and maintaining roads, trails, bridges, tramways, railroads, and other means of locomotion, transportation, and communication, such as may be necessary or proper in the construction, maintenance, and operation of the works constructed by the grantee herein; together with such lands in the Hetch Hetchy Valley and Lake Eleanor Basin within the Yosemite National Park, and the Cherry Valley within the Stanislaus National Forest, irrespective of the width or extent of said lands, as may be determined by the Secretary of the Interior to be actually necessary for surface or underground reservoirs, diverting and storage dams; together with such lands as the Secretary of the Interior may determine to be actually necessary for power houses, and all other structures or buildings necessary or properly incident to the construction, operation, and maintenance of said water-power and electric plants, telephone and telegraph lines, and such means of locomotion, transportation, and communication as may be established; together with the right to take, free of cost, from the public lands, the Yosemite National Park, and the Stanislaus National Forest adjacent to its right-of-way, within such distance as the Secretary of the Interior and the Secretary of Agriculture may determine, stone, earth, gravel, sand, tufa, and other materials of like character actually necessary to be used in the construction, operation, and repair of its said water-power and electric plants, its said telephone and telegraph lines, and its said means of locomotion, transportation, or communication, under such conditions and regulations as may be fixed by the Secretary of the Interior and the Secretary of Agriculture, within their respective jurisdictions, for the protection of the public lands, the Yosemite National Park, and the Stanislaus National Forest: *Provided*, That said grantee shall file, as hereinafter provided, a map or

maps showing the boundaries, location, and extent of said proposed rights-of-way and lands for the purposes hereinabove set forth: *Provided further*, That the Secretary of the Interior shall approve no location or change of location in the national forests unless said location or change of location shall have been approved in writing by the Secretary of Agriculture. (Dec. 19, 1913, sec. 1, 38 Stat. 242.)

**1006. Maps.**—That within three years after the passage of this Act said grantee shall file with the registers of the United States land offices, in the districts where said rights-of-way or lands are located, a map or maps showing the boundaries, locations, and extent of said proposed rights-of-way and lands required for the purposes stated in section one of this Act; but no permanent construction work shall be commenced on said land until such map or maps shall have been filed as herein provided and approved by the Secretary of the Interior: *Provided, however*, That any changes of location of any of said rights-of-way or lands may be made by said grantee before the final completion of any of said work permitted in section one hereof, by filing such additional map or maps as may be necessary to show such changes of location, said additional map or maps to be filed in the same manner as the original map or maps; but no change of location shall become valid until approved by the Secretary of the Interior, and the approval by the Secretary of the Interior of said map or maps showing changes of location of said rights-of-way or lands shall operate as an abandonment by the city and county of San Francisco to the extent of such change or changes of any of the rights-of-way or lands indicated on the original maps: *And provided further*, That any rights inuring to the grantee under this Act shall, on the approval of the map or maps referred to herein by the Secretary of the Interior, relate back to the date of the filing of said map or maps with the register of the United States Land Office as provided herein, or to the date of the filing of such maps as they may be copies of as provided for herein: *And provided further*, That with reference to any map or maps heretofore filed by said city and county of San Francisco or its grantor with any officer of the Department of the Interior or the Department of Agriculture, and approved by said department, the provisions hereof will be considered complied with by the filing by said grantee of copies of any such map or maps with the register of the United States Land Office as provided for herein, which said map or maps and locations shall as in all other cases be subject to the approval of the Secretary of the Interior. (Dec. 19, 1913, sec. 2, 38 Stat. 243.)

**1007. Rights-of-way subject to existing claims and prior rights.**—That the rights-of-way hereby granted shall not be effective over any lands upon which homestead, mining, or other existing valid claim or claims shall have been filed or made and which now in law constitute prior rights to any claim of the grantee until said grantee shall have purchased such portion or portions of such homestead, mining, or other existing valid claims as it may require for right-of-way purposes and other purposes herein set forth, and shall have procured proper relinquishments of such portion or portions of such claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants, and caused proper evidence

of such fact to be filed with the Commissioner of the General Land Office, and the right of such entrymen or claimants to sell and of said grantee to purchase such portion or portions of such claims are hereby granted: *Provided, however,* That this Act shall not apply to any lands embraced in rights-of-way heretofore approved under any Act of Congress for the benefit of any parties other than said grantee or its predecessors in interest. (Dec. 19, 1913, sec. 3, 38 Stat. 243.)

**1008. Grantee to conform to regulations.**—That the said grantee shall conform to all regulations adopted and prescribed by the Secretary of the Interior governing the Yosemite National Park and the Secretary of Agriculture governing the Stanislaus National Forest, and shall not take, cut, or destroy any timber within the Yosemite National Park or the Stanislaus National Forest, except such as may be actually necessary in order to construct, repair, and operate its said reservoirs, dams, power plants, water-power and electric works, and other structures above mentioned, but no timber shall be cut or removed from lands outside of the right-of-way until designated by the Secretary of the Interior or the Secretary of Agriculture, respectively; and it shall pay to the United States the full value of all timber and wood cut, injured, or destroyed on or adjacent to any of the rights-of-way and lands, as required by the Secretary of the Interior or the Secretary of Agriculture: *Provided,* That no timber shall be cut by the grantee in the Yosemite National Park except from land to be submerged or which constitutes an actual obstruction to the right- or rights-of-way or to any road or trail provided in this Act: *Provided further,* That for and in consideration of the rights and privileges hereby granted to it the said grantee shall construct and maintain in good repair such bridges or other practicable crossings over its right-of-way within the Stanislaus National Forest as may be prescribed in writing by the Secretary of Agriculture, and elsewhere on public lands along the line of said works, and within the Yosemite National Park as may be prescribed in writing by the Secretary of the Interior; and said grantee shall, as said waterworks are completed, if directed in writing by the Secretary of the Interior or the Secretary of Agriculture, construct and maintain along each side of said right-of-way a lawful fence of such character as may be prescribed by the proper Secretary, with such suitable lanes or crossings as the aforesaid officers shall prescribe: *And provided further,* That the said grantee shall clear its rights-of-way within the Yosemite National Park and the Stanislaus National Forest and over any public land of any débris or inflammable material as directed by the Secretary of the Interior and the Secretary of Agriculture, respectively; and said grantee shall permit any road or trail which it may construct over the public lands, the Yosemite National Park, or the Stanislaus National Forest to be freely used by the officials of the Government and by the public, and shall permit officials of the Government, for official business only, the free use of any telephone or telegraph lines, or equipment, or railroads that it may construct and maintain within the Yosemite National Park and the Stanislaus National Forest, or on the public lands, together with the right to connect with any such telephone or telegraph lines private telephone wires for the exclusive use of said Government officials: *And pro-*

vided further, That all reservoirs, dams, conduits, power plants, water power and electric works, bridges, fences, and other structures not of a temporary character shall be slightly and of suitable exterior design and finish so as to harmonize with the surrounding landscape and its use as a park; and for this purpose all plans and designs shall be submitted for approval to the Secretary of the Interior. (Dec. 19, 1913, sec. 4, 38 Stat. 243.)

**1009. Lands granted subject to easements.**—That all lands over which the rights-of-way mentioned in this Act shall pass shall be disposed of only subject to such easements: *Provided, however,* That the construction of the aforesaid works shall be prosecuted diligently, and no cessation of such construction shall continue for a period of three consecutive years, and in the event that the Secretary of the Interior shall find and determine that there has not been diligent prosecution of the work or of some integral and essential part thereof, or that there has been a cessation of such construction for a period of three consecutive years, then he may declare forfeited all rights of the grantee herein as to that part of the works not constructed, and request the Attorney General, on behalf of the United States, to commence suit in the United States District Court for the Northern District of California for the purpose of procuring a judgment declaring all such rights to that part of the works not constructed to be forfeited to the United States, and upon such request it shall be the duty of the said Attorney General to cause to be commenced and prosecuted to a final judgment such suit: *Provided further,* That the Secretary of the Interior shall make no such finding and take no such action if he shall find that the construction or progress of the works has been delayed or prevented by the act of God or the public enemy, or by engineering or other difficulties that could not have been reasonably foreseen and overcome, or by other special or peculiar difficulties beyond the control of the said grantee: *Provided further,* That in the exercise of the rights granted by this Act, the grantee shall at all times comply with the regulations herein authorized, and in the event of any material departure therefrom the Secretary of the Interior or the Secretary of Agriculture, respectively, may take such action as may be necessary in the courts or otherwise to enforce such regulations. (Dec. 19, 1913, sec. 5, 38 Stat. 244.)

**1010. Restriction on sale or sub-letting of water or electric energy by grantee.**—That the grantee is prohibited from ever selling or letting to any corporation or individual, except a municipality or a municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee: *Provided,* That the rights hereby granted shall not be sold, assigned, or transferred to any private person, corporation, or association, and in case of any attempt to so sell, assign, transfer, or convey, this grant shall revert to the Government of the United States. (Dec. 19, 1913, sec. 6, 38 Stat. 245.)

**1011. Assignment by grantee to United States of roads and trails constructed.**—That for and in consideration of the grant by the United States as provided for in this Act the said grantee shall assign, free of cost to the United States, all roads and trails built under the provisions hereof; and further, after the expiration of five years from the passage of this Act the grantee shall pay to the United States

the sum of \$15,000 annually for a period of ten years, beginning with the expiration of the five-year period before mentioned, and for the next ten years following \$20,000 annually, and for the remainder of the term of the grant shall, unless in the discretion of Congress the annual charge should be increased or diminished, pay the sum of \$30,000 annually, said sums to be paid on the first day of July of each year. Until otherwise provided by Congress, said sums shall be kept in a separate fund by the United States, to be applied to the building and maintenance of roads and trails and other improvements in the Yosemite National Park and other national parks in the State of California. The Secretary of the Interior shall designate the uses to be made of sums paid under the provisions of this section under the conditions specified herein. (Dec. 19, 1913, sec. 7, 38 Stat. 245.)

**1012. Meaning of word "grantee."**—That the word "grantee" as used herein shall be understood as meaning the city and county of San Francisco and such other municipalities or water district or water districts as may, with the consent of the city and county of San Francisco or in accordance with the laws of the State of California, hereafter participate in or succeed to the beneficial rights and privileges granted by this Act. (Dec. 19, 1913, sec. 8, 38 Stat. 245.)

**1013. Grant subject to observance of conditions.**—That this grant is made to the said grantee subject to the observance on the part of the grantee of all the conditions hereinbefore and hereinafter enumerated.

(a) That upon the completion of the Hetch Hetchy Dam or the Lake Eleanor Dam, in the Yosemite National Park, by the grantee, as herein specified, and upon the commencement of the use of any reservoirs thereby created by said grantee as a source of water supply for said grantee, the following sanitary regulations shall be made effective within the watershed above and around said reservoir sites so used by said grantee:

First. No human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream or within three hundred feet thereof.

Second. All sewage from permanent camps and hotels within the watershed shall be filtered by natural percolation through porous earth or otherwise adequately purified or destroyed.

Third. No person shall bathe, wash clothes or cooking utensils, or water stock in, or in any way pollute, the water within the limits of the Hetch Hetchy Reservoir or any reservoir constructed by the said grantee under the provisions of this grant, or in the streams leading thereto, within one mile of said reservoir; or, with reference to the Hetch Hetchy Reservoir, in the waters from the reservoir or waters entering the river between it and the "Early intake" of the aqueduct, pending the completion of the aqueduct between "Early intake" and the Hetch Hetchy Dam site.

Fourth. The cost of the inspection necessary to secure compliance with the sanitary regulations made a part of these conditions, which inspection shall be under the direction of the Secretary of the Interior, shall be defrayed by the said grantee.

Fifth. If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantee as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages.

(b) That the said grantee shall recognize the prior rights of the Modesto Irrigation District and the Turlock Irrigation District as now constituted under the laws of the State of California, or as said districts may be hereafter enlarged to contain in the aggregate not to exceed three hundred thousand acres of land, to receive two thousand three hundred and fifty second-feet of the natural daily flow of the Tuolumne River, measured at the La Grange Dam, whenever the same can be beneficially used by said irrigation districts, and that the grantee shall never interfere with said rights.

(c) That whenever said irrigation districts receive at the La Grange Dam less than two thousand three hundred and fifty second-feet of water, and when it is necessary for their beneficial use to receive more water the said grantee shall release free of charge, out of the natural daily flow of the streams which it has intercepted, so much water as may be necessary for the beneficial use of said irrigation districts not exceeding an amount which, with the waters of the Tuolumne and its tributaries, will cause a flow at La Grange Dam of two thousand three hundred and fifty second-feet; and shall also recognize the rights of the said irrigation districts to the extent of four thousand second-feet of water out of the natural daily flow of the Tuolumne River for combined direct use and collection into storage reservoirs as may be provided by said irrigation districts, during the period of sixty days immediately following and including April fifteenth of each year, and shall during such period release free of charge such quantity of water as may be necessary to secure to the said irrigation districts such four thousand second-feet flow or portion thereof as the said irrigation districts are capable of beneficially directly using and storing below Jawbone Creek: *Provided, however,* That at such times as the aggregate daily natural flow of the watershed of the Tuolumne and its tributaries measured at the La Grange Dam shall be less than said districts can beneficially use and less than two thousand three hundred and fifty second-feet, then and in that event the said grantee shall release, free of charge, the entire natural daily flow of the streams which it has under this grant intercepted.

(d) That the said grantee whenever the said irrigation districts desire water in excess of that to which they are entitled under the foregoing, shall on the written demand of the said irrigation districts sell to the said irrigation districts from the reservoir or reservoirs of the said grantee such amounts of stored water as may be needed for the beneficial use of the said irrigation districts at such a price as will return to the grantee the actual total costs of providing such stored water, such costs to be computed in accordance with the currently accepted practice of public cost accounting as may be determined by the Secretary of the Interior, including, however, a fair proportion of the cost to said grantee of the conduit, lands,

dams, and water-supply system included in the Hetch Hetchy and Lake Eleanor sites; upon the express condition, however, that the said grantee may require the said irrigation districts to purchase and pay for a minimum quantity of such stored water, and that the said grantee shall be entitled to receive compensation for a minimum quantity of stored water and shall not be required to sell and deliver to the said irrigation districts more than a maximum quantity of such stored water to be released during any calendar year: *Provided, however,* That if the said irrigation districts shall develop sufficient water to meet their own needs for beneficial use and shall so notify in writing the Secretary of the Interior, the said grantee shall not be required to sell or deliver to said irrigation districts the maximum or minimum amount of stored waters hereinbefore provided for, and shall release the said districts from the obligation to pay for such stored water: *And provided further,* That said grantee shall without cost to said irrigation districts return to the Tuolumne River above the La Grange Dam for the use of the said irrigation districts all surplus or waste water resulting from the development of hydroelectric energy generated by the said grantee.

(e) That such minimum and maximum amounts of such stored water to be so released during any calendar year as hereinbefore provided and the price to be paid therefor by the said irrigation districts are to be determined and fixed by the Secretary of the Interior in accordance with the provisions of the preceding paragraph.

(f) That the Secretary of the Interior shall revise the maximum and minimum amounts of stored water to be supplied to said irrigation districts by said grantee as hereinbefore provided, whenever the said irrigation districts have properly developed the facilities of the Davis Reservoir of the Turlock Irrigation District and the Warner-Dallas Reservoir of the Modesto Irrigation District to the fullest practicable extent up to a development not exceeding in cost \$15 per acre-foot storage capacity, and whenever additional storage has been provided by the said irrigation districts which is necessary to the economical utilization of the waters of said watershed, and also after water losses and wastes have been reduced to such reasonable minimum as will assure the economical and beneficial use of such water.

(g) That the said grantee shall not be required to furnish more than the said minimum quantity of stored water hereinbefore provided for until the said irrigation districts shall have first drawn upon their own stored water to the fullest practicable extent.

(h) That the said grantee shall not divert beyond the limits of the San Joaquin Valley any more of the waters from the Tuolumne watershed than, together with the waters which it now has or may hereafter acquire, shall be necessary for its beneficial use for domestic and other municipal purposes.

(i) That the said grantee shall, at its own expense, locate and construct, under the direction of the Secretary of the Interior, such weirs or other suitable structures on sites to be granted, if necessary, by the United States, for accurately measuring the flow in the said river at or above La Grange Dam, and measuring the flow into and out from the reservoirs or intakes of said districts, and into and out

from any reservoirs constructed by the said grantee, and at any other point on the Tuolumne River or its tributaries, which he may designate, and fit the same with water-measuring apparatus satisfactory to said Secretary and keep such hydrographic records as he may direct, such apparatus and records to be open to inspection by any interested party at any time.

(j) That by "the flow", "natural daily flow", "aggregate daily natural flow", and "what is naturally flowing", as are used herein, is meant such flow as on any given day would flow in the Tuolumne River or its tributaries if said grantee had no storage or diversion works on the said Tuolumne watershed.

(k) That when the said grantee begins the development of the Hetch Hetchy Reservoir site, it shall undertake and vigorously prosecute to completion a dam at least two hundred feet high, with a foundation capable of supporting said dam when built to its greatest economic and safe height.

(l) That the said grantee shall, upon request, sell or supply to said irrigation districts, and also to the municipalities within either or both said irrigation districts, for the use of any land owner or owners therein for pumping subsurface water for drainage or irrigation, or for the actual municipal public purposes of said municipalities (which purposes shall not include sale to private persons or corporations) any excess of electrical energy which may be generated, and which may be so beneficially used by said irrigation districts or municipalities, when any such excess of electric energy may not be required for pumping the water supply for said grantee and for the actual municipal public purposes of the said grantee (which purposes shall not include sale to private persons or corporations) at such price as will actually reimburse the said grantee for developing and maintaining and transmitting the surplus electrical energy thus sold; and no power plant shall be interposed on the line of the conduit except by the said grantee, or the lessee, as hereinafter provided, and for the purposes and within the limitations in the conditions set forth herein: *Provided*, That said grantee shall satisfy the needs of the landowners in said irrigation districts for pumping subsurface water for drainage or irrigation, and the needs of the municipalities within such irrigation districts for actual municipal public purposes, after which it may dispose of any excess electrical energy for commercial purposes.

(m) That the right of said grantee in the Tuolumne water supply to develop electric power for either municipal or commercial use is to be made conditional for twenty years following the completion of any portion of the works adapted to the generation of electrical energy, as follows: The said grantee shall within three years from the date of completion of said portion of the works install, operate, and maintain apparatus capable of developing and transmitting not less than ten thousand horsepower of electric power for municipal and commercial use, said ten thousand horsepower to be actually used or offered for use; and within ten years from the completion of said portion of the works not less than twenty thousand horsepower; and within fifteen years therefrom not less than thirty thousand horsepower; and within twenty years therefrom not less than sixty thousand horsepower, unless in the judgment of the Secretary of the

Interior the public interest will be satisfied with a lesser development. The said grantee shall develop and use hydroelectric power for the use of its people and shall, at prices to be fixed under the laws of California or, in the absence of such laws, at prices approved by the Secretary of the Interior, sell or supply such power for irrigation, pumping, or other beneficial use, said prices not to be less than will return to said grantee the actual total costs of providing and supplying said power, which costs shall be computed in accordance with the currently accepted practice of public cost accounting, as shall be determined by the Secretary of the Interior, including, however, a fair proportion of cost of conduit, lands, dams, and water-supply system; and further, said grantee shall, before using any of said water for the purpose of developing hydroelectric power, file such maps, surveys, field notes, or other data as may be required by law, and shall conform to any law existing and applicable to said subject of development of said hydroelectric power for municipal or commercial uses.

(n) That after the period of twenty years hereinbefore provided for the development, transmission, use, and sale of electric power, the Secretary of the Interior, under authorization hereby given, may require the grantee, within a time fixed by the Secretary, to develop, transmit, and use, or offer for sale, such additional power, and also such power less than sixty thousand horsepower as the grantee may have failed to develop, transmit, use, or sell, within the twenty years aforesaid, as in the judgment of said Secretary the grantee may or ought to develop under this grant, and which in his judgment the public interest demands or convenience requires; and in case of the failure of the grantee to carry out any such requirements of the Secretary of the Interior the latter is hereby authorized so to do, and he may, in such manner and form and upon such terms and conditions as he may determine, provide for the development, transmission, use, and sale of such additional power and such power not so developed, transmitted, or used by the grantee at the end of said twenty years up to sixty thousand horsepower; and for that purpose the Secretary of the Interior may take possession of and lease to such person or persons as he may designate such portion of the rights-of-way, structures, dams, conduits, and other property acquired or constructed by the grantee hereunder as may be necessary for the development, transmission, use, and sale of such power.

(o) That the rates or charges to be made by the grantee or by any lessee under the last preceding paragraph for the use of power for commercial purposes shall at all times conform to the laws of the State of California or, in the absence of any such statutory law, be subject to the approval of the Secretary of the Interior, and in the absence of such law no rates or charges shall be made, fixed, or collected without such approval, and the grantee shall at any time, upon the demand of the Secretary of the Interior, allow the latter or such person or persons as he may designate full and free access, right, and opportunity to examine and inspect all of the grantee's books, records, and accounts, and all the work constructed and property occupied hereunder by the grantee.

(p) That this grant is upon the further condition that the grantee shall construct on the north side of the Hetch Hatchy Reservoir site a scenic road or trail, as the Secretary of the Interior may determine, above and along the proposed lake to such point as may be designated by the said Secretary, and also leading from said scenic road or trail a trail to the Tiltill Valley and to Lake Vernon, and a road or trail to Lake Eleanor and Cherry Valley, via McGill Meadow; and likewise the said grantee shall build a wagon road from Hamilton or Smiths Station along the most feasible route adjacent to its proposed aqueduct from Groveland to Portulaca or Hog Ranch and into the Hetch Hatchy Dam site, and a road along the southerly slope of Smiths Peak from Hog Ranch past Harden Lake to a junction with the old Tioga Road, in section four, township one south, range twenty-one east, Mount Diablo base and meridian, and such roads and trails made necessary by this grant, and as may be prescribed by the Secretary of the Interior. Said grantee shall have the right to build and maintain such other necessary roads or trails through the public lands, for the construction and operation of its works, subject, however, to the approval of the Secretary of Agriculture in the Stanislaus National Forest, and the Secretary of the Interior in the Yosemite National Park. The said grantee shall further lay and maintain a water pipe, or otherwise provide a good and sufficient supply of water for camp purposes at the Meadow, one-third of a mile, more or less, southeasterly from the Hetch Hatchy Dam site.

That all trail and road building and maintenance by the said grantee in the Yosemite National Park and the Stanislaus National Forest shall be done subject to the direction and approval of the Secretary of the Interior or the Secretary of Agriculture according to their respective jurisdictions.

(q) That the said grantee shall furnish water at cost to any authorized occupant within one mile of the reservoir and in addition to the sums provided for in section seven it shall reimburse the United States Government for the actual cost of maintenance of the above roads and trails in a condition of repair as good, as when constructed.

(r) That in case the Department of the Interior is called upon, by reason of any of the above conditions, to make investigations and decisions respecting the rights, benefits, or obligations specified in this Act, which investigations or decisions involve expense to the said Department of the Interior, then such expense shall be borne by said grantee.

(s) That the grantee shall file with the Secretary of the Interior, within six months after the approval of this Act, its acceptance of the terms and conditions of this grant.

(t) That the grantee herein shall convey to the United States, by proper conveyance, a good and sufficient title free from all liens and encumbrances of any nature whatever, to any and all tracts of land which are now owned by said grantee within the Yosemite National Park or that part of the national forest adjacent thereto not actually required for use under the provisions of this Act, said conveyance to be approved by and filed with the Secretary of the Interior within six months after the said grantee ceases to use such lands for the purpose of construction or repair under the provisions of this Act.

(u) That the city and county of San Francisco shall sell to the United States, for the use of the War Department, such water as the War Department may elect to take, and shall deliver the same through its system in or near the city of San Francisco to the mains or systems of such military reservations in that vicinity as may be designated by the Secretary of War, under such rules and regulations as he may prescribe. In payment for such water and the delivery thereof the United States shall pay to the said city and county of San Francisco a rental, to be calculated at a fixed rate per one thousand gallons, said rate not to exceed the actual cost of said water to said city and county for all the water so furnished, as determined by meter measurements: *And provided further*, That payment of said rental shall be made by the local disbursing officer of the War Department in the usual manner: *Provided, however*, That the grantee shall at all times comply with and observe on its part all the conditions specified in this Act, and in the event that the same are not reasonably complied with and carried out by the grantee, upon written request of the Secretary of the Interior, it is made the duty of the Attorney General in the name of the United States to commence all necessary suits or proceedings in the proper court having jurisdiction thereof, for the purpose of enforcing and carrying out the provisions of this Act. (Dec. 19, 1913, sec. 9, 38 Stat. 245.)

**1014.** Grant to constitute a binding obligation upon grantee in favor of and enforceable by irrigation districts.—That this grant, so far as it relates to the said irrigation districts, shall be deemed and held to constitute a binding obligation upon said grantee in favor of the said irrigation districts which said districts, or either of them, may judicially enforce in any court of competent jurisdiction. (Dec. 14, 1913, sec. 10, 38 Stat. 250.)

**1015.** Grant made upon express conditions of act; State laws and vested rights not affected.—That this Act is a grant upon certain express conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the State of California relating to the control appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this Act, shall proceed in conformity with the laws of said State. (Dec. 10, 1913, sec. 11, 38 Stat. 250.)

**1016.** Wasatch National Forest; right-of-way granted Salt Lake City.—That the Secretary of the Interior be, and he is hereby, authorized to grant to Salt Lake City, Utah, under the provisions of section four of the Act of February first, nineteen hundred and five (Thirty-third Statutes, six hundred and twenty-eight) [16 U. S. C., sec. 524], a right-of-way on and over section thirty-four, township two south, range three east, and sections two and three, township three south, range three east, in Big Cottonwood Canyon, within the Wasatch National Forest, Salt Lake City land district, Utah, which lands have heretofore been reserved for reservoir purposes under and by virtue of the Act of October second, eighteen hundred and eighty-eight (Twenty-fifth Statutes, five hundred and five.) (July 20, 1912, 37 Stat. 197.)

1017. Whitman National Forest lands reserved as water supply reserve.—That the public lands within the Whitman National Forest situated in the county of Baker, State of Oregon, hereinafter described, are hereby reserved from all forms of location or entry and set aside as a municipal water-supply reserve for the benefit of the city of Baker, a municipal corporation of the State of Oregon, to wit: South half of northeast quarter and north half of southeast quarter section four, township nine south, range thirty-eight east of the Willamette meridian: *Provided*, That if the said city of Baker shall at any time cease to use said land for said purpose, then, and in that event, the rights hereby granted to said city shall cease and the unrestricted title to said land shall revert to and vest in the United States. (Mar. 14, 1914, sec. 1, 38 Stat. 308.)

1018. Rights defined.—That to accomplish the purpose of this Act as defined in section one hereof, said city of Baker shall have the right, subject to approval of the Secretary of Agriculture, to the use of any and all parts of the land above described for the storage and conveying of water and the construction and maintenance thereon of reservoirs, pipes, pipe lines, mains, conduits, and other like or any improvements or means for the storage, diversion, or transmission of water. (Mar. 14, 1914, sec. 2, 38 Stat. 308.)

1019. Act subject to vested rights.—That this Act shall be subject to the vested rights of any municipality, person, or persons in or to the above-described premises or any part thereof or the water thereof. (Mar. 14, 1914, sec. 3, 38 Stat. 308.)

1020. Right reserved to alter, amend, or repeal act.—That the right to alter, amend, or repeal this Act is hereby expressly reserved. (Mar. 14, 1914, sec. 4, 38 Stat. 308.)

1021. Tusayan National Forest; lands eliminated.—That the following-described land be, and the same is hereby, eliminated from the Tusayan National Forest, Arizona, and added to and made a part of the Western Navajo Indian Reservation, subject to all valid rights and claims of individuals initiated prior to the approval of this Act: All that part of the Tusayan National Forest lying east of the Colorado River and north of the Little Colorado River, unsurveyed, but which will probably be when surveyed in townships 32, 33, 34, 35, and 36 north, ranges 5 and 6 east; all lands in township 31 north, range 6 east, which are now a part of the Tusayan National Forest; sections 1, 2, 3, 4, and 10 to 14, inclusive, east half section 23, sections 24 and 25, east half section 26 and sections 35 and 36, township 30 north, range 6 east; sections 27 to 34, inclusive, township 30 north, range 7 east; sections 1, 2, and 11 to 14, inclusive, sections 23 to 26, inclusive, sections 35 and 36, township 29 north, range 6 east; sections 3 to 10, inclusive, and sections 15 to 36, inclusive, township 29 north, range 7 east; section 1 and north half section 12, township 28 north, range 6 east; sections 1 to 23, inclusive, and sections 29 to 32, inclusive, township 28 north, range 7 east; Gila and Salt River base and meridian, Arizona: *Provided*, That all unappropriated and unreserved public lands in sections 24 to 28, inclusive, and sections 33 to 36, inclusive, in township 28 north, range 7 east, Gila and Salt River base and meridian, Arizona, be, and the same are hereby, added to and made a part of the Western Navajo Indian Reservation, subject to all valid rights and claims of

individuals initiated prior to approval of this Act. (May 23, 1930, 46 Stat. 378.)

1022. Tusayan National Forest; additional lands eliminated.—That section 1 of the Act of May 23, 1930 (46 Stat. 378), entitled "An Act to eliminate certain lands from the Tusayan National Forest, Arizona, as an addition to the Western Navajo Indian Reservation", be, and the same is hereby, amended so as to include the following-described lands subject to all the conditions and provisions of said Act: Sections 10 to 15, inclusive, sections 22 to 27, inclusive, sections 34 to 36, inclusive, township 27 north, range 6 east, all of township 27 north, range 7 east; sections 4 to 9, 16 to 21, 29 to 32, all inclusive, in township 27 north, range 8 east; sections 1 and 2, the east half of section 3, the east half of section 10, sections 11 and 12, township 26 north, range 7 east; sections 5 to 8, inclusive, township 26 north, range 8 east, Gila and Salt River meridian, Arizona. (Feb. 21, 1931, sec. 1, 46; Stat. 1204.)

1023. Lieu lands; means of determining values and areas.—That for the purpose of arriving at the values and areas of lieu lands to which private landowners are entitled under the Act of May 23, 1930, as hereby amended, the value of the improvements on all privately owned lands to be conveyed or relinquished to the United States for the benefit of the Indians shall be taken into consideration and full credit in the form of lands shall be allowed therefor: *Provided*, That the State of Arizona may relinquish such lands as it sees fit, acquired pursuant to the Enabling Act of June 20, 1910 (36 Stat. L. 557), which may be desired as lieu land, and the State shall have the right to select other unreserved and undisposed of nonmineral public lands within the State of Arizona equal in area to that relinquished, the lieu selections to be made by the State in the same manner as is provided for in said Enabling Act. (Feb. 21, 1931, sec. 2, 46 Stat. 1204.)

1024. Madison National Forest; sale of lands.—That the Secretary of the Interior be, and hereby is, authorized to sell and convey to Oregon Short Line Railroad Company, a corporation organized under laws of the State of Utah and authorized to do business in the State of Montana, its successors and assigns, for hotel and other purposes, and at a price to be fixed by appraisement at not less than \$25 per acre, and under such terms, conditions, and regulations as the Secretary of the Interior may prescribe, the following described lands, situated in Gallatin County, Montana: Lot three and the northeast quarter of the southwest quarter of section thirty-four, in township thirteen south, of range five east, Montana principal meridian, including the area at present covered by the right-of-way for the wye tracks of said Oregon Short Line Railroad Company; also all that portion of the southeast quarter of the northwest quarter of said section thirty-four lying south of the right-of-way and station grounds of said company, the entire tract above described consisting of eighty-eight and two one-hundredths acres; the right-of-way and station grounds of said Oregon Short Line Railroad Company and the right-of-way for the wye tracks of said company being designated in the filing map of the Yellowstone Park Railroad Company filed with the Secretary of the Interior, the land described being within the boundaries of the Madison National

Forest: *Provided*, however, That any hotel erected on said lands shall be operated by the said Oregon Short Line Railroad Company, or its successors in interest, under such rules and regulations as the Secretary of the Interior may prescribe for the conduct and operation of hotels within the Yellowstone National Park. (Feb. 25, 1919, 40 Stat. 1152.)

1025. Lewis and Clark National Forest; lands excluded.—That, with the consent and approval of the Secretary of the Interior and upon the filing with the Interior Department and the approval thereof by said Secretary of maps of definite location within three years from the passage of this Act, the Great Northern Railway Company, a corporation of the State of Minnesota, be, and it is hereby, authorized to revise the location of that part of its line of railway along the southern boundary of the Glacier National Park, in the State of Montana, on the terms and conditions and subject to the limitations and restrictions granted by and contained in an Act of Congress entitled "An Act granting to railroads the right-of-way through the public lands of the United States", approved March third, eighteen hundred and seventy-five (Eighteenth Statutes, page four hundred and eighty-two) [43 U. S. C., secs. 934-939], as amended by an Act of Congress entitled "An Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for prior years, and for other purposes", approved March third, eighteen hundred and ninety-nine (Thirtieth Statutes, page twelve hundred and thirty-three) [16 U. S. C., sec. 525; 43 U. S. C., secs. 665-958]: *Provided*, That all lands north of the north line of the revised right-of-way, when said revised line of right-of-way shall have been approved as aforesaid, shall be excluded from the Lewis and Clark National Forest and become and remain part of the Glacier National Park, and be subject to all the provisions of an Act of Congress entitled "An Act to establish 'the Glacier National Park' in the Rocky Mountains south of the international boundary line in the State of Montana, and for other purposes", approved May eleventh, nineteen hundred and ten (Thirty-sixth Statutes, page three hundred and fifty-four) [16 U. S. C., secs. 161, 162], and to all the provisions of any Act of Congress that may hereafter be passed relative to said park, and the regulations of the Secretary of the Interior heretofore or hereafter prescribed in accordance with law for the government of the Park, and that any and all lands south of the north line of such revised line of right-of-way which may now be within the Glacier National Park shall become and remain a part of the Lewis and Clark National Forest and be subject to and be governed by the laws heretofore or hereafter enacted by Congress and the regulations heretofore or hereafter prescribed by the Secretary of Agriculture for the control of national forests: *Provided further*, That before the Secretary of the Interior shall consent to and approve the revision of location herein authorized, the Great Northern Railway Company shall file with the said Secretary a relinquishment of all claims of whatever nature to that portion of its right-of-way affected by said revised location. (Feb. 27, 1915, 38 Stat. 814.)

1026. Coconino National Forest; Lowell Observatory.—That there be, and hereby is, granted to Percival Lowell, his heirs and assigns, sec-

tion numbered seventeen, in township numbered twenty-one north of range seven east of the Gila and Salt River base and meridian, the said tract of land being within the Coconino National Forest, in the Territory of Arizona, for observatory purposes in connection with the Lowell Observatory: *Provided*, That in the event of the removal or abandonment of the said observatory or the use of said land by the grantee for other than observatory purposes the said land shall revert to the United States: *Provided further*, That the title to the merchantable timber thereon and the right to cut and remove the same in such manner as to preserve the herbage and undergrowth in their natural condition shall remain in the United States. (May 30, 1910, 36 Stat. 452.)

**1027. Rights-of-way for wagon roads, railroads, etc.**—That in the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right-of-way for a wagon road, railroad, or other highway over and across any forest reservation or reservoir site when in his judgment the public interests will not be injuriously affected thereby. (Mar. 3, 1899, sec. 1, 30 Stat. 1233; 16 U. S. C., sec. 525.)

#### FOREST PROTECTION, FOREST SERVICE, REFORESTATION

**1028. Protection of National forests; rules and regulations.**—The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the said Act of March third, eighteen hundred and ninety-one [16 U. S. C., sec. 471], and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this Act [16 U. S. C., secs. 473-482], or such rules and regulations shall be punished as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States [18 U. S. C., sec. 104]. (June 4, 1897, sec. 1, 30 Stat. 35; Feb. 1, 1905, sec. 1, 33 Stat. 628, 16 U. S. C., sec. 551.)

**1029. San Bernardino and Cleveland National Forests; special-use permit.**—That where a special-use permit to use, for other than pasture purposes, a tract of land not exceeding one hundred and sixty acres in area, in the San Bernardino and Cleveland National Forests, has been issued under the regulations of the Secretary of Agriculture, the land so rented shall not be subject to appropriation, entry, alienation, or adverse use or occupancy unless such permit is discontinued or revoked. (Feb. 14, 1931, 46 Stat. 1115.)

**1030. Consent to agreement by States for conservation of forests and water supply.**—That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact. (Mar. 1, 1911, sec. 1, 36 Stat. 961; 16 U. S. C., sec. 552.)

**1031. Duties of officials of Forest Service; stock laws; protection of fish and game.**—Hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to National Forests, shall aid the other Federal Bureaus and Departments on request from them, in the performance of the duties imposed on them by law. (May 23, 1908, 35 Stat. 259; 16 U. S. C., sec. 553.)

**1032. Forest supervisors and rangers.**—That forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the said reserves, respectively, are situated. (Feb. 1, 1905, sec. 3, 33 Stat. 628; 16 U. S. C., sec. 554.)

**1033. Forest headquarters and ranger stations.**—That where no suitable Government land is available for national forest headquarters or ranger stations, the Secretary of Agriculture is hereby authorized to purchase such lands out of any funds appropriated for building improvements on the national forests, but not more than \$2,500 shall be so expended in any one year; and to accept donations of land for any national forest purpose. (Mar. 3, 1925, sec. 5, 43 Stat. 1133; 16 U. S. C., sec. 555.)

**1034. Appropriations for Forest Service; use of transportation or traveling expenses.**—Hereafter no part of any funds appropriated for the Forest Service shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized by law. (May 11, 1922, 42 Stat. 521; 16 U. S. C., sec. 556.)

**1035. Employees of Forest Service; subsistence.**—That the Secretary of Agriculture is hereby authorized to furnish subsistence to employees of the Forest Service, to purchase personal equipment and supplies for them, and to make deductions therefor from moneys appropriated for salary payments or otherwise due such employees. (Mar. 3, 1925, sec. 4, 43 Stat. 1133; 16 U. S. C., sec. 557.)

**1036. Employees of Forest Service; medical attention.**—That the Secretary of Agriculture is hereby authorized, in his discretion, to provide out of moneys appropriated for the general expenses of the Forest Service medical attention for employees of the Forest Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial. (Mar. 3, 1925, sec. 6, 43 Stat. 1133; 16 U. S. C., sec. 557.)

**1037. Field season contracts; authority to make, prior to appropriation.**—That the Secretary of Agriculture is hereafter authorized in connection with the administration of the national forests to enter into contracts for the procurement of services, materials, and supplies for the ensuing fiscal year, prior to the passage of an appropriation therefor: *Provided*, That such contracts shall aliquot the cost for such service by fiscal years and shall not be binding on the United States as to

that part for the ensuing year unless and until an appropriation applicable to the payment thereof is made: *And provided further*, That all such contracts shall by their terms provide that the obligation of the United States is contingent upon the passage of an applicable appropriation and that no payment thereunder will be made until such appropriation becomes available for expenditure. (June 30, 1932, 47 Stat. 473; 16 U. S. C., sec. 557a.)

**1038. Leave of absence; employees of the Forest Service assigned to permanent duty in Alaska.**—That hereafter the employees of the Forest Service who are assigned to permanent duty in Alaska may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed thirty days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed thirty days additional in any one year. (Mar. 4, 1913, 37 Stat. 843; 16 U. S. C., sec. 558.)

**1039. Arrests by employees of Forest Service for violations of laws and regulations.**—All persons employed in the forest service and national park service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the forests and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the national forest or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process of any person taken in the act of violating said laws and regulations. (Mar. 3, 1905, 33 Stat. 873; 16 U. S. C., sec. 559.)

**1040. Use of timber for telephone lines for fire protection.**—That hereafter the Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines. (Mar. 4, 1913, 37 Stat. 843; 16 U. S. C., sec. 560.)

**1041. Forest experiment station in California.**—That in order to determine and demonstrate the best methods for the conservative management of forest and forest lands and the protection of timber and other forest products, the Secretary of Agriculture is authorized and directed (1) to establish and maintain, in cooperation with the State of California and with the surrounding States, a forest experiment station at such place or places as he may determine to be most suitable, and (2) to conduct, independently or in cooperation with other branches of the Federal Government, the States, universities, colleges, county, and municipal agencies, business organizations, and individuals, such silvicultural, dendrological, forest fire, economic, and other experiments and investigations as may be necessary. (Mar. 3, 1925), sec. 1, 43 Stat. 1109; 16 U. S. C., sec. 562.)

**1042. Forest experiment station in Ohio and Mississippi Valleys.**—That the Secretary of Agriculture is authorized to establish and maintain a forest experiment station in the States of the Ohio Valley and central Mississippi Valley, at such a place or places as may be selected by him, and he is hereby authorized and directed to conduct

silvicultural, forest-fire, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, and with States, universities, colleges, county and municipal agencies, associations, and individuals, to determine the best methods for the growing, management, and protection of timber crops on forest lands and farm wood lots. (July 3, 1926, sec. 44, Stat. 838, 16 U. S. C., sec. 562a.)

1042a. Same; annual appropriation authorized.—An appropriation of \$30,000 for the fiscal year ending June 30, 1927, for the establishment of the station provided by this Act and such annual appropriations as may thereafter be necessary for its maintenance and operation are hereby authorized. (July 3, 1926, sec. 2, 44 Stat. 838; 16 U. S. C., sec. 562a.)

1043. Forest experiment station in Pennsylvania.—That in order to determine and demonstrate the best methods for the growing, management, and protection of timber crops on forest lands and farm wood lots, the Secretary of Agriculture is hereby authorized and directed to establish and maintain a forest experiment station at such place or places as may be determined as most suitable by him, in cooperation with the State of Pennsylvania and with the neighboring States, and to conduct such silviculture and other forest experiments and investigations as may be necessary, either independently or in cooperation with other organizations, institutions, or individuals, and that to carry out the purposes of this Act an appropriation in the amount of \$30,000 is hereby authorized. (July 3, 1926, 44 Stat. 840; 16 U. S. C., sec. 562b.)

1044. Cooperation with States for protection from fire of forested watersheds of navigable streams.—That the sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to co-operate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year. (Mar. 1, 1911, sec. 2, 36 Stat. 961; 16 U. S. C., sec. 563.)

1045. Cooperation by Secretary of Agriculture with State officials as to recommendations of systems of forest fire prevention.—That the Secretary of Agriculture is hereby authorized and directed, in cooperation with appropriate officials of the various States or other suitable agencies, to recommend for each forest region of the United States such systems of forest-fire prevention and suppression as will adequately protect the timbered and cut-over lands therein with a view to the protection of forest and water resources and the continuous

production of timber on lands chiefly suitable therefor. (June 7, 1924, sec. 1, 43 Stat. 653; 16 U. S. C., sec. 564.)

**1046. Cooperation by Secretary of Agriculture with State officials in protection of timbered and forest-producing lands; limitation on Federal expenditures.**—If the Secretary of Agriculture shall find that the system and practice of forest-fire prevention and suppression provided by any State substantially promotes the objects described in the foregoing section he is hereby authorized and directed, under such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest-producing lands from fire. In no case other than for preliminary investigation shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest-protection system of the State under State supervision, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State forester, the State director of extension, or similar State official having charge of the cooperative work for the State that State and private expenditures as provided for in this Act have been made. In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest-producing lands or watersheds from which water is secured for domestic use or irrigation within the cooperative States. (June 7, 1924, sec. 2, 43 Stat. 653; Mar. 3, 1925, 43 Stat. 1127; Apr. 13, 1926, 44 Stat. 242; 16 U. S. C., sec. 565.)

**1047. Cooperation by Secretary of Agriculture with Territories.**—That the Secretary of Agriculture be, and he is hereby, authorized to cooperate with the Territories of the United States on the same terms and conditions as with States under sections 1 and 2 of the Act of Congress entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924. [16 U. S. C., secs. 564, 565]. (Feb. 20, 1931, 46 Stat. 1200, 16 U. S. C., sec. 565a.)

**1048. Expenditure for study of effect of tax laws, etc., on forest perpetuation; appropriations.**—That the Secretary of Agriculture shall expend such portions of the appropriations authorized herein as he deems advisable to study the effects of tax laws, methods, and practices upon forest perpetuation, to cooperate with appropriate officials of the various States or other suitable agencies in such investigations and in devising tax laws designed to encourage the conservation and growing of timber, and to investigate and promote practical methods of insuring standing timber on growing forests from losses by fire and other causes. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$2,500,000, to enable the Secretary of Agriculture to carry out the provisions of sections 1, 2, and 3 of this Act [16

U. S. C., secs. 564–565]. (June 7, 1924, sec. 3, 43 Stat. 653, 16 U. S. C., sec. 566.)

1049. Cooperation by Secretary of Agriculture with States in procuring forest-tree seeds and plants; limitation on expenditure; appropriation.—That the Secretary of Agriculture is hereby authorized and directed to cooperate with the various States in the procurement, production, and distribution of forest-tree seeds and plants, for the purpose of establishing windbreaks, shelter belts, and farm wood lots upon denuded or nonforested lands within such cooperating States, under such conditions and requirements as he may prescribe to the end that forest-tree seeds or plants so procured, produced, or distributed shall be used effectively for planting denuded or nonforested lands in the cooperating States and growing timber thereon: *Provided*, That the amount expended by the Federal Government in cooperation with any State during any fiscal year for such purposes shall not exceed the amount expended by the State for the same purposes during the same fiscal year. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$100,000, to enable the Secretary of Agriculture to carry out the provisions of this section. (June 7, 1924, sec. 4, 43 Stat. 654; 16 U. S. C., sec. 567.)

1050. Cooperation by Secretary of Agriculture with States in establishing wood lots; limitation on expenditure; appropriation.—That the Secretary of Agriculture is hereby authorized and directed in cooperation with appropriate officials of the various States or, in his discretion, with other suitable agencies, to assist the owners of farms in establishing, improving, and renewing wood lots, shelter belts, windbreaks, and other valuable forest growth, and in growing and renewing useful timber crops: *Provided*, That, except for preliminary investigations, the amount expended by the Federal Government under this section in cooperation with any State or other cooperating agency during any fiscal year shall not exceed the amount expended by the State or other cooperating agency for the same purpose during the same fiscal year. There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than \$100,000 to enable the Secretary of Agriculture to carry out the provisions of this section. (June 7, 1924, sec. 5, 43 Stat. 654; 16 U. S. C., sec. 568.)

1051. Cooperation by Secretary of Agriculture with Territories and other possessions.—That the Secretary of Agriculture is hereby authorized to cooperate with Territories and other possessions of the United States on the same terms and conditions as with States under sections 3, 4, and 5 of the Act of Congress entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor", approved June 7, 1924. [16 U. S. C., secs. 566, 567, 568.] (Apr. 13, 1926, 44 Stat. 250; 16 U. S. C., sec. 568a.)

1052. Donation to United States of lands for timber purposes.—That to enable owners of lands chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other indus-

tries of the State or for other national-forest purposes, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to the examination and acceptance of title. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, or jointly with an existing national forest. All lands to which title is accepted under this section shall, upon acceptance of title, become national-forest lands, subject to all laws applicable to lands acquired under the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), and amendments thereto. [16 U. S. C., secs. 480, 500, 513-519, 521, 552, 563.] In the sale of timber from national-forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located. (June 7, 1924, sec. 7, 43 Stat. 654; 16 U. S. C., sec. 569.)

**1053. Ascertainment by Secretary of Agriculture of lands valuable for stream-flow protection and report.**—That the Secretary of Agriculture is hereby authorized to ascertain and determine the location of public lands chiefly valuable for stream-flow protection or for timber production, which can be economically administered as parts of national forests, and to report his findings to the National Forest Reservation Commission established under the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961) [16 U. S. C., sec. 513], and if the commission shall determine that the administration of said lands by the Federal Government will protect the flow of streams used for navigation or for irrigation, or will promote a future timber supply, the President shall lay the findings of the commission before the Congress of the United States. (June 7, 1924, sec. 8, 43 Stat. 655, 16 U. S. C., sec. 570.)

**1054. Buildings for national-forest purposes.**—That, in addition to buildings costing not to exceed \$1,500 each, the Secretary of Agriculture, out of any moneys appropriated for the improvement or protection of the national forests, may construct, improve, or purchase during each fiscal year three buildings for national-forest purposes at not to exceed \$2,500 each, and three at not to exceed \$2,000 each: *Provided*, That the cost of a water-supply or sanitary system shall not be charged as a part of the cost of any building except those costing in excess of \$2,000 each, and no such water-supply and sanitary system shall cost in excess of \$500. (Mar. 3, 1925, sec. 2, 43 Stat. 1132; 16 U. S. C., sec. 571.)

1055. Special fund for expenses of reforestation, administration, or protection of forests by Forest Service.—That all moneys received as contributions toward reforestation or for the administration or protection of lands within or near the national forests shall be covered into the Treasury and shall constitute a special fund, which is hereby authorized to be appropriated for the payment of the expenses of said reforestation, administration, or protection by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by or for them in excess of their share of the cost, but the United States shall not be liable for any damage incident to cooperation hereunder. (Mar. 3, 1925, sec. 1, 43 Stat. 1132; 16 U. S. C., sec. 572.)

1056. Water-supply and sanitary systems; appropriation.—That the Secretary of Agriculture is authorized to expend not to exceed \$8,000 annually, out of any money appropriated for the improvement or protection of the national forests, for the fiscal year 1930 or for subsequent years, in the completion of water-supply or sanitary systems costing in excess of the \$500 limitation as imposed by the Act of March 3, 1925 (Forty-third Statutes, page 1132) [16 U. S. C., sec. 571.]. (May 27, 1930, sec. 1, 46 Stat. 387; 16 U. S. C., sec. 573.)

1057. Damages caused private property.—That the Secretary of Agriculture is authorized to reimburse owners of private property for damage or destruction thereof caused by employees of the United States in connection with the protection, administration, or improvement of the national forests, payment to be made from any funds appropriated for the protection, administration, and improvement of the national forests: *Provided*, That no payment in excess of \$500 shall be made on any such claim. (May 27, 1930, sec. 2, 46 Stat. 387; 16 U. S. C., sec. 574.)

1058. Search for lost persons, and transportation of sick, injured, or dead persons.—That the Secretary of Agriculture is authorized in cases of emergency to incur such expenses as may be necessary in searching for persons lost in the national forests and in transporting persons seriously ill, injured, or who die within the national forests to the nearest place where the sick or injured person, or the body, may be transferred to interested parties or local authorities. (May 27, 1930, sec. 3, 46 Stat. 387; 16 U. S. C., sec. 575.)

1059. Reforestation; establishment of nurseries.—That the Secretary of Agriculture is hereby authorized to establish forest-tree nurseries and do all other things needful in preparation for planting on national forests on the scale possible under the appropriations authorized by this Act: *Provided*, That nothing in this Act shall be deemed to restrict the authority of the said Secretary under other authority of law. (June 9, 1930, sec. 1, 46 Stat. 527; 16 U. S. C., sec. 576.)

1060. Appropriations.—There is hereby authorized to be appropriated for the fiscal year ending June 30, 1932, not to exceed \$250,000; for the fiscal year ending June 30, 1933, not to exceed \$300,000; for the fiscal year ending June 30, 1934, not to exceed \$400,000; and for each fiscal year thereafter, not to exceed \$400,000, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and to do all other things necessary for reforestation by planting or seeding

national forests and for the additional protection, care, and improvement of the resulting plantations or young growth. (June 9, 1930, sec. 2, 46 Stat. 527; 16 U. S. C., sec. 576a.)

**1061. Purchasers of national-forest timber; seedlings and young trees for burned-over areas.**—The Secretary of Agriculture may, when in his judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money, in addition to the payments for the timber, to cover the cost to the United States of (1) planting (including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), or (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest land cut over by the purchaser, in order to improve the future stand of timber: *Provided*, That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and forest-improvement work, as the Secretary of Agriculture may direct: *Provided*, That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to miscellaneous receipts, forest-reserve fund, as a national-forest receipt of the fiscal year in which such transfer is made: *Provided further*, That the Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned-over areas in any national park. (June 9, 1930, sec. 3, 46 Stat. 527; 16 U. S. C., sec. 576b.)

**1062. Public lands in northern Minnesota; withdrawal from entry and appropriation.**—That all public lands of the United States situated north of township 60 north in the Counties of Cook and Lake, State of Minnesota, including the natural shore lines of Lake Superior within such area; all public lands of the United States situated in that part of St. Louis County, State of Minnesota, lying north of a line beginning at the northeast corner of Township 63 north, Range 12 west, 4th P. M., thence westerly along the township line to the southwest corner of Township 64 north, Range 18 west, 4th P. M., thence northerly to the northwest corner of Township 65 north, Range 18 west, 4th P. M., thence westerly to the southwest corner, Township 66 north, Range 21 west, 4th P. M., thence northerly along the Township line to its intersection with the international boundary between the United States and the Dominion of Canada; all public lands of the United States on the shore lines of the lakes and streams forming the international boundary, so far as such lands lie within the areas heretofore described in this Act; all public lands of the United States in that part of the Superior National Forest located in Townships 61 and 62, Ranges 12 and 13 west, 4th P. M.; and all public lands of the United States on the shore lines of Burntside Lake and Lake Vermilion, State of Minnesota, are hereby withdrawn from all forms of entry or appropriation under the public-

land laws of the United States, subject to prior existing legal rights initiated under the public-land laws, so long as such claims are maintained as required by the applicable law or laws and subject to such permits and licenses as may be granted or issued by the Department of Agriculture under laws or regulations generally applicable to national forests. (July 10, 1930, sec. 1, 46 Stat. 1020; 16 U. S. C., sec. 577.)

**1063. Conserving shore-line beauty.**—That the principle of conserving the natural beauty of shore lines for recreational use shall apply to all Federal lands which border upon any boundary lake or stream contiguous to this area, or any other lake or stream within this area which is now or eventually to be in general use for boat or canoe travel, and that for the purpose of carrying out this principal logging of all such shores to a depth of four hundred feet from the natural water line is hereby forbidden, except as the Forest Service of the Department of Agriculture may see fit in particular instances to vary the distance for practical reasons: *Provided*, That in no case shall logging of any timber other than diseased, insect infested, dying, or dead be permitted closer to the natural shore line than two hundred feet, except where necessary to open areas for banking grounds, landings, and other uses connected with logging operations. (July 10, 1930, sec. 2, 46 Stat. 1021; 16 U. S. C., sec. 577a.)

**1064. Preserving water level.**—That in order to preserve the shore lines, rapids, waterfalls, beaches, and other natural features of the region in an unmodified state of nature, no further alteration of the natural water level of any lake or stream within or bordering upon the designated area shall be authorized by any permit, license, lease, or other authorization granted by any official or commission of the United States, which will result in flooding lands of the United States within or immediately adjacent to the Superior National Forest, unless and until specific authority for granting such permit, license, lease, or other authorization shall have first been obtained by special Act from the Congress of the United States covering each such project: *Provided*, That nothing in this section shall be construed as interfering with the duties of the International Joint Commission created pursuant to the convention concerning the boundary waters between the United States and Canada and concluded between the United States and Great Britain on January 11, 1909, and action taken or to be taken in accordance with provisions of the convention protocol and agreement between the United States and Canada, which were signed at Washington on February 24, 1925, for the purpose of regulating the levels of the Lake of the Woods: *Provided*, That with the written approval and consent of the Forest Service of the Department of Agriculture reservoirs not exceeding one hundred acres in area may be constructed and maintained for the transportation of logs or in connection with authorized recreational uses of national-forest lands, and maximum water levels not higher than the normal high-water mark may be maintained temporarily where essential strictly for logging purposes, in the streams between lakes by the construction and operation of small temporary dams: *Provided, however*, That nothing herein shall be construed to prevent the Secretary of Agriculture from listing for homestead entry under the provisions of the Act of June 11, 1906 (34 Stat. 233) [16 U. S. C.,

sec. 506], any of the above-described lands found by him to be chiefly valuable for agriculture and not needed for public purposes: *Provided further*, That the provisions of this section shall not apply to any proposed development for water-power purposes for which an application for license was pending under the terms of the Federal Water Power Act on or before January 1, 1928. (July 10, 1930, sec. 3, 46 Stat. 1021; 16 U. S. C., sec. 577b.)

**1065. Authorization of investigations, etc.; cooperation with State and other agencies; appropriations and contributions; buildings.**—That the Secretary of Agriculture is hereby authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary under sections 2 to 10 [16 U. S. C., secs. 581a-581i], inclusive, in order to determine, demonstrate, and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and the prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, or other harmful agencies, of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products: *Provided*, That in carrying out the provisions of this Act the Secretary of Agriculture may cooperate with individuals and public and private agencies, organizations, and institutions, and, in connection with the collection, investigation, and tests of foreign woods, he may also cooperate with individuals and public and private agencies, organizations, and institutions in other countries; and receive money contributions from cooperators under such conditions as he may impose, such contributions to be covered into the Treasury as a special fund which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for use in conducting the activities authorized by this Act, and in making refunds to contributors: *Provided further*, That the cost of any building purchased, erected, or as improved in carrying out the purposes of this Act shall not exceed \$2,500, exclusive in each instance of the cost of constructing a water supply or sanitary system and of connecting the same with any such building: *Provided further*, That the amounts specified in sections 2, 3, 4, 5, 6, 7, 8, and 10 of this Act [16 U. S. C., secs. 581a-581g, 581i] are authorized to be appropriated up to and including the fiscal year 1938, and such annual appropriations as may thereafter be necessary to carry out the provisions of said sections are hereby authorized: *Provided further*, That during any fiscal year the amounts specified in sections 3, 4, and 5 of this Act [16 U. S. C., secs. 581b-581d] making provision for investigations of forest tree and wood diseases, forest insects, and forest wild life, respectively, may be exceeded to provide adequate funds for special research required to meet any serious public emergency relating to epidemics: *And provided further*, That the provisions of this Act shall be construed as supplementing all other Acts relating to the Department of Agriculture, and except as specifically provided shall not limit or repeal any existing legislation or authority. (May 22, 1928, sec. 1, 45 Stat. 699; 16 U. S. C., sec. 581.)

**1066.** Forest experiment stations; establishment; appropriation.—That for conducting fire, silvicultural, and other forest investigations and experiments the Secretary of Agriculture is hereby authorized, in his discretion, to maintain the following forest experiment stations for the regions indicated, and in addition to establish and maintain one such station for the Intermountain region in Utah and adjoining States, one in Alaska, and one in the tropical possessions of the United States in the West Indies:

Northeastern forest experiment station, in New England, New York, and adjacent States;

Allegheny forest experiment station, in Pennsylvania, New Jersey, Delaware, Maryland, and in neighboring States;

Appalachian forest experiment station, in the southern Appalachian Mountains and adjacent forest regions;

Southern forest experiment station, in the Southern States;

Central States forest experiment station, in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, and in adjacent States;

Lake States forest experiment station, in the Lake States and adjoining States;

California forest experiment station, in California and in adjoining States;

Northern Rocky Mountain forest experiment station, in Idaho, Montana, and adjoining States;

Northwestern forest experiment station, in Washington, Oregon, and adjoining States, and in Alaska;

Rocky Mountain forest experiment station, in Colorado, Wyoming, Nebraska, South Dakota, and in adjacent States; and

Southwestern forest experiment station, in Arizona, and New Mexico, and in adjacent States, and in addition to establish and maintain one such station for the intermountain region of Utah and adjoining States, one for Alaska, one in Hawaii, and one in the tropical possessions of the United States in the West Indies, and one additional station in the Southern States.

There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than \$1,000,000 to carry out the provisions of this section. (May 22, 1928, sec. 2, 45 Stat. 700; 16 U. S. C., sec. 581a.)

**1067.** Diseases of forest trees and products; appropriation for investigation.—That for investigations of the diseases of forest trees and of diseases causing decay and deterioration of wood and other forest products, and for developing methods for their prevention and control at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$250,000. (May 22, 1928, sec. 3, 45 Stat. 701; 16 U. S. C., sec. 581b.)

**1068.** Forest insects; appropriation for investigation.—That for investigations of forest insects, including gypsy and browntail moths, injurious or beneficial to forest trees or to wood or other forest products, and for developing methods for preventing and controlling infestations, at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appro-

priated, not more than \$350,000. (May 22, 1928, sec. 4, 45 Stat. 701; 16 U. S. C., sec. 581c.)

1069. Life histories and habits of forest animals, birds, and wild life; appropriation for experiments and investigations.—That for such experiments and investigations as may be necessary in determining the life histories and habits of forest animals, birds, and wildlife, whether injurious to forest growth or of value as supplemental resource, and in developing the best and most effective methods for their management and control at forest experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$150,000. (May 22, 1928, sec. 5, 45 Stat. 701; 16 U. S. C., sec. 581d.)

1070. Relationship of weather conditions to forest fires; appropriation for investigation.—That for such investigations at forest experiment stations, or elsewhere, of the relationship of weather conditions to forest fires as may be necessary to make weather forecasts, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$50,000. (May 22, 1928, sec. 6, 45 Stat. 701; 16 U. S. C., sec. 581e.)

1071. Development of improved methods of management of forest ranges; appropriation for experiments and investigations.—That for such experiments and investigations as may be necessary to develop improved methods of management consistent with the growing of timber and the protection of watersheds, of forest ranges and of other ranges adjacent to the national forests, at forest or range experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$275,000. (May 22, 1928, sec. 7, 45 Stat. 701; 16 U. S. C., sec. 581f.)

1072. Physical and chemical properties of forest products; appropriation for experiments, investigations, and tests.—That for experiments, investigations, and tests with respect to the physical and chemical properties and the utilization and preservation of wood and other forest products, including tests of wood and other fibrous material for pulp and paper making, and such other experiments, investigations, and tests as may be desirable, at the Forest Products Laboratory or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$1,000,000, and an additional appropriation of not more than \$50,000 annually for similar experiments, investigations, and tests of foreign woods, and forest products important to the industries of the United States, including necessary field work in connection therewith. (May 22, 1928, sec. 8, 45 Stat. 701; 16 U. S. C., sec. 581g.)

1073. Present and prospective requirements for forest products; survey; cooperation of Secretary of Agriculture with State and other agencies; appropriation.—That the Secretary of Agriculture is hereby authorized and directed, under such plans as he may determine to be fair and equitable, to cooperate with appropriate officials of each State of the United States, and either through them or directly with private and other agencies, in making a comprehensive survey of the present and prospective requirements for timber and other forest products in the United States, and of timber supplies, including a determination of the present and potential productivity of forest land therein,

and of such other facts as may be necessary in the determination of ways and means to balance the timber budget of the United States. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$250,000: *Provided*, That the total appropriation of Federal funds under this section shall not exceed \$3,000,000. (May 22, 1928, sec. 9, 45 Stat. 702; 16 U. S. C., sec. 581h.)

1074. Economic investigations of forest lands and products; costs and returns; appropriation.—That for such investigations of costs and returns and the possibility of profitable reforestation under different conditions in the different forest regions, of the proper function of timber growing in diversified agriculture and in insuring the profitable use of marginal land, in mining, transportation, and in other industries, of the most effective distribution of forest products in the interest of both consumer and timber grower, and for such other economic investigations of forest lands and forest products as may be necessary, there is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than \$250,000. (May 22, 1928, sec. 10, 45 Stat. 702; 16 U. S. C., sec. 581i.)

1075. Application of forest protection laws to Puerto Rico.—That the provisions of sections 1, 2, 6, and 7 of the Act of Congress entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor", approved June 7, 1924 [16 U. S. C., secs. 515, 564, 565, 569], are herewith extended to the Territory of Puerto Rico, and the Secretary of Agriculture is hereby authorized to cooperate with the appropriate officials of Puerto Rico on the same terms and conditions as with the States: *Provided*, That not to exceed fifty thousand acres of land may be acquired in Puerto Rico under section 6 of the aforesaid Act of Congress approved June 7, 1924 [16 U. S. C., sec. 515]. (Mar. 3, 1931, 46 Stat. 1516; 16 U. S. C., sec. 582.)

1076. Secretary of Agriculture authorized to enter into cooperative agreements with State officials to acquire State forest lands.—That for the purpose of stimulating the acquisition, development, and proper administration and management of State forests and of insuring coordinated effort by Federal and State agencies in carrying out a comprehensive national program of forest-land management, the Secretary of Agriculture is hereby authorized to enter into cooperative agreements with appropriate officials of any State or States for acquiring in the name of the United States, by purchase or otherwise, such forest lands within the cooperating State as in his judgment the State is adequately prepared to administer, develop, and manage as State forests in accordance with the provisions of this Act and with such other terms not inconsistent therewith as he shall prescribe, such acquisition to include the mapping, examination, appraisal, and surveying of such lands and the doing of all things necessary to perfect title thereto in the United States: *Provided*, That, since it is the declared policy of Congress to maintain and, where it is in the national interest to extend the national-forest system, nothing herein shall be construed to modify, limit, or change in any manner what-

soever the future ownership and administration by the United States of existing national forests and related facilities, or hereafter to restrict or prevent their extension through the acquisition by purchase or otherwise of additional lands for any national-forest purpose: *Provided further*, That this Act shall not be construed to limit or repeal any legislation authorizing land exchanges by the Federal Government, and private lands acquired by exchange within the limits of any area subject to a cooperative agreement of the character herein authorized shall hereafter be subject to the provisions of this Act. (Public 395, sec. 1, 74th Cong., Aug. 29, 1935.)

1077. Conditions and requirements which shall constitute a part of every cooperative agreement.—No cooperative agreement shall be entered into or continued in force under the authority of this Act or any land acquired hereunder turned over to the cooperating State for administration, development, and management unless the State concerned, as a consideration for the benefits extended to it thereunder, complies in a manner satisfactory to the Secretary of Agriculture with the following conditions and requirements which shall constitute a part of every such agreement:

(a) In order to reduce the need for public expenditures in the acquisition of lands which may be brought into public ownership through the enforcement of appropriate tax delinquency laws, and, by bringing about the handling of such lands upon a sound social and economic basis, to terminate a system of indeterminate and unsound ownership injurious to the private and public interest alike, no additional lands shall be acquired within any State by the United States under this Act after June 30, 1942, unless the State concerned has prior thereto provided by law for the reversion of title to the State or a political unit thereof of tax-delinquent lands and for blocking into State or other public forests the areas which are more suitable for public than private ownership, and which in the public interest should be devoted primarily to the production of timber crops and/or the maintenance of forests for watershed protection, and for the enforcement of such law: *Provided*, That in the administration of this Act prior to June 30, 1942, preference will be given to States applying for cooperation hereunder which provide by law for such reversion of title under tax delinquency laws.

(b) In order to insure a stable and efficient organization for the development and administration of the lands acquired under this Act, the State shall provide for the employment of a State forester, who shall be a trained forester of recognized standing.

(c) The Secretary of Agriculture and the appropriate authorities of each cooperating State shall work out a mutually satisfactory plan defining forest areas within the State which can be most effectively and economically administered by said State, which plan shall constitute a part of the cooperative agreement between the United States and the State concerned: *Provided*, That nothing herein shall be held to prevent the Secretary of Agriculture from later agreeing with the proper State authorities to desirable modifications in such plan.

(d) No payment of Federal funds shall be made for land selected for purchase by the United States under this Act until such proposed purchase has been submitted to and approved by the National

Forest Reservation Commission created by section 4 of the Act approved March 1, 1911 (36 Stat. 661; U. S. C., title 16, sec. 513).

(e) Subject to the approval of the National Forest Reservation Commission, the Secretary of Agriculture is authorized to pay out of any available money appropriated for carrying out the purposes of this Act any State, county, and/or town taxes, exclusive of penalties, due or accrued on any forest lands acquired by the United States under donations from the owners thereof and which lands are to be included in a State or other public forest pursuant to this Act.

(f) The State shall prepare such standards of forest administration, development, and management as are necessary to insure maximum feasible utility for timber production and watershed protection, and are acceptable to the Secretary of Agriculture and shall apply the same to lands acquired and placed under the jurisdiction of the State pursuant to this Act.

(g) That with the exception of such Federal expenditures as may be made for unemployment relief, the State shall pay without assistance from the Federal Government the entire future cost of administering, developing, and managing all forest lands acquired and over which it has been given jurisdiction under this Act.

(h) During the period any cooperative agreement made under this Act remains in force, one-half of the gross proceeds from all lands covered by said agreement and to which the United States holds title shall be paid by the State to the United States and covered into the Treasury. All such payments shall be credited to the purchase price the State is to pay the United States for said land, such purchase price to be an amount equal to the total sum expended by the United States in acquiring said lands. Upon payments of the full purchase price, either as herein provided or otherwise, title to said lands shall be transferred from the Federal Government to the State, and the Secretary of Agriculture is authorized to take such action and incur such expenditures as may be necessary to effectuate such transfer.

(i) Upon the request of the State concerned, any agreement made pursuant to this Act may be terminated by the Secretary of Agriculture. The Secretary of Agriculture may, with the consent and approval of the National Forest Reservation Commission, after due notice given the State and an opportunity for hearing by said Commission, terminate any such agreement for violations of its terms and/or the provisions of this Act. If such agreement is terminated the United States shall reimburse the State for so much of the State funds as have been expended in the administration, development, and management of the lands involved as the Secretary of Agriculture may decide to be fair and equitable.

(j) The State shall furnish the Secretary of Agriculture with such annual, periodic, or special reports as he may require respecting the State's operations under its agreement with him.

(k) When a State or political unit thereof acquires under tax delinquency laws title to forest lands without cost to the United States, and which lands are included within a State or other public forest, the Secretary of Agriculture, on behalf of the Federal Government, may contribute annually out of any funds made available

under this Act not to exceed one-half the cost of administering, developing, and managing said lands. (Aug. 29, 1935, sec. 2, Public 395, 74th Cong.)

**1078. Appropriation.**—For the purposes of this Act, there is hereby authorized to be appropriated a sum or sums, out of any money in the Treasury not otherwise appropriated, not to exceed \$5,000,000, as Congress may from time to time appropriate. (Aug. 29, 1935, sec. 3, Public 395, 74th Cong.)

**1079. Forest products laboratory, Wisconsin; Secretary of Agriculture authorized to accept title to land for.**—That the Secretary of Agriculture is hereby authorized to accept, on behalf of the United States, from the regents of the University of Wisconsin, a donation by deed of conveyance satisfactory to the United States of such tract or tracts of land as in his judgment may be suitable as a site for a building or buildings for the forest products laboratory, and to pay from the appropriation herein authorized all costs incident to examining, transferring, and perfecting title to said land: *Provided*, That the deed of conveyance may provide for a reversion of title to the University of Wisconsin if and when the United States no longer uses said land for the purpose of a forest products laboratory, and upon such reversion the United States shall have a reasonable time within which to remove or otherwise dispose of the buildings and other improvements constructed by it on said lands. (Apr. 15, 1930, sec. 1, 46 Stat. 167.)

**1080. Same; Secretary of Agriculture authorized to construct building.**—The Secretary of Agriculture is hereby authorized to cause to be planned, by contract or otherwise, and to construct at Madison, Wisconsin, on said land, such fireproof building or buildings as in his judgment may be suitable for the use of the forest products laboratory of the Forest Service, with modern equipment for laboratory tests and experiments, including the moving and installation of existing equipment and the purchase and installation of necessary new equipment, the making of steam, sewer, water, gas, electrical, and other connections, and the construction of such railway sidings, roadways, sidewalks, and approaches as may be required. (Apr. 15, 1930, sec. 2, 46 Stat. 167.)

**1081. Appropriation.**—For the purpose of carrying out the provisions of this Act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$900,000. (Apr. 15, 1930, sec. 3, 46 Stat. 167.)

**1082. National Capital Park and Planning Commission.**—(a) That to develop a comprehensive, consistent, and coordinated plan for the National Capital and its environs in the States of Maryland and Virginia, to preserve the flow of water in Rock Creek, to prevent pollution of Rock Creek and the Potomac and Anacostia Rivers, to preserve forests and natural scenery in and about Washington, and to provide for the comprehensive, systematic, and continuous development of park, parkway, and playground systems of the National Capital and its environs there is hereby constituted a commission to be known as the National Capital Park and Planning Commission, composed of the Chief of Engineers of the Army, the Engineer Commissioner of the District of Columbia, the Director of the National Park Service, the Chief of the Forest Service, the chairmen

of the Committees on the District of Columbia of the Senate and House of Representatives, and four eminent citizens well qualified and experienced in city planning, one of whom shall be a bona fide resident of the District of Columbia, to be appointed for the term of six years by the President of the United States: *Provided*, That the first members appointed under this Act shall continue in office for terms of three, four, five, and six years, respectively, from the date of the passage of this Act [April 30, 1926], the terms of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. All members of the said commission shall serve without compensation therefor, but each shall be paid actual expenses of travel when attending meetings of said commission or engaged in investigations pertaining to its activities, and an allowance of \$8 per day in lieu of subsistence during such travel and services. At the close of each Congress the presiding officer of the Senate and the Speaker of the House of Representatives shall appoint, respectively, a Senator and a Representative elect to the succeeding Congress to serve as members of this commission until the chairmen of the committees of the succeeding Congress shall be chosen. The Director of the National Park Service shall be executive and disbursing officer of said commission.

(b) That the said commission is hereby charged with the duty of preparing, developing, and maintaining a comprehensive, consistent, and coordinated plan for the National Capital and its environs, which plan shall include recommendations to the proper executive authorities as to traffic and transportation; plats and subdivisions; highways, parks, and parkways; school and library sites; playgrounds; drainage, sewerage, and water supply; housing, building, and zoning regulations; public and private buildings; bridges and water fronts; commerce and industry; and other proper elements of city and regional planning. It is the purpose of this Act to obtain the maximum amount of cooperation and correlation of effort between the departments, bureaus, and commissions of the Federal and District Governments. To this end plans and records, or copies thereof, shall be made available to the National Capital Park and Planning Commission, when requested. The commission may, as to the environs of the District of Columbia, act in conjunction and cooperation with such representatives of the States of Maryland and Virginia as may be designated by such States for this purpose. The said commission is hereby authorized to employ the necessary personal services, including the personal services of a director of planning and other expert city planners, such as engineers, architects, and landscape architects. Such technical experts may be employed at per diem rates not in excess of those paid for similar services elsewhere and as may be fixed by the said commission without regard to the provisions of the Act of Congress entitled "An Act for the classification of civilian positions within the District of Columbia and in the field services", approved March 4, 1923, and amendments thereto [5 U. S. C., secs. 661-674], or any rule or regulation made in pursuance thereof. (June 6, 1924, 43 Stat. 463; Feb. 26, 1925, 43 Stat. 983; Apr. 30, 1926, 44 Stat. 374; May 24, 1928, 45

Stat. 726; June 10, 1933, Ex. Or. 6166; Mar. 2, 1934, sec. 1, 48 Stat. 389; 40 U. S. C., sec. 71.)

1083. Grants of sections within national forests in State of New Mexico to State for school purposes.—That in addition to sections sixteen and thirty-six, heretofore granted to the Territory of New Mexico, sections two and thirty-two in every township in said proposed State not otherwise appropriated at the date of the passage of this Act are hereby granted to the said State for the support of common schools; and where sections two, sixteen, thirty-two, and thirty-six, or any parts thereof, are mineral, or have been sold, reserved, or otherwise appropriated or reserved by or under the authority of any Act of Congress, or are wanting or fractional in quantity, or where settlement thereon with a view to preemption or homestead, or improvement thereof with a view to desert-land entry has been made heretofore or hereafter, and before the survey thereof in the field, the provisions of sections twenty-two hundred and seventy-five and twenty-two hundred and seventy-six of the Revised Statutes are hereby made applicable thereto and to the selection of lands in lieu thereof to the same extent as if sections two and thirty-two, as well as sections sixteen and thirty-six, were mentioned therein: *Provided, however,* That the area of such indemnity selections on account of any fractional township shall not in any event exceed an area which, when added to the area of the above-named sections returned by the survey as in place, will equal four sections for fractional townships containing seventeen thousand two hundred and eighty acres or more, three sections for such townships containing eleven thousand five hundred and twenty acres or more, two sections for such townships containing five thousand seven hundred and sixty acres or more, nor one section for such township containing six hundred and forty acres or more: *And provided further,* That the grants of sections two, sixteen, thirty-two, and thirty-six to said State, within national forests now existing or proclaimed, shall not vest the title to said sections in said State until the part of said national forests embracing any of said sections is restored to the public domain; but said granted sections shall be administered as a part of said forests, and at the close of each fiscal year there shall be paid by the Secretary of the Treasury to the State, as income for its common-school fund, such proportion of the gross proceeds of all the national forests within said State as the area of lands hereby granted to said State for school purposes which are situate within said forest reserves, whether surveyed or unsurveyed, and for which no indemnity has been selected, may bear to the total area of all the national forests within said State, the area of said sections when unsurveyed to be determined by the Secretary of the Interior, by protraction or otherwise, the amount necessary for such payments being appropriated and made available annually from any money in the Treasury not otherwise appropriated. (June 20, 1910, 36 Stat. 561.)

1084. Grants of sections of land within national forests in State of Arizona to State for school purposes.—That in addition to sections sixteen and thirty-six, heretofore reserved for the Territory of Arizona, sections two and thirty-two in every township in said proposed State not otherwise appropriated at the date of the passage of this Act are hereby granted to the said State for the support of

common schools; and where sections two, sixteen, thirty-two, and thirty-six, or any parts thereof, are mineral, or have been sold, reserved, or otherwise appropriated or reserved by or under the authority of any Act of Congress, or are wanting or fractional in quantity, or where settlement thereon with a view to preemption or homestead, or improvement thereof with a view to desert-land entry has been made heretofore or hereafter, and before the survey thereof in the field, the provisions of sections twenty-two hundred and seventy-five and twenty-two hundred and seventy-six of the Revised Statutes, and Acts amendatory thereof or supplementary thereto, are hereby made applicable thereto and to the selection of lands in lieu thereof to the same extent as if sections two and thirty-two, as well as sections sixteen and thirty-six, were mentioned therein: *Provided, however,* That the area of such indemnity selections on account of any fractional township shall not in any event exceed an area which, when added to the area of the above-named sections returned by the survey as in place, will equal four sections for fractional townships containing seventeen thousand two hundred and eighty acres or more, three sections for such townships containing eleven thousand five hundred and twenty acres or more, two sections for such townships containing five thousand seven hundred and sixty acres or more, nor one section for such townships containing six hundred and forty acres or more: *And provided further,* That the grants of sections two, sixteen, thirty-two, and thirty-six to said State, within national forests now existing or proclaimed, shall not vest the title to said sections in said State until the part of said national forests embracing any of said sections is restored to the public domain; but said granted sections shall be administered as a part of said forests, and at the close of each fiscal year there shall be paid by the Secretary of the Treasury to the State, as income for its common-school fund, such proportion of the gross proceeds of all the national forests within said State as the area of lands hereby granted to said State for school purposes which are situated within said forest reserves, whether surveyed or unsurveyed, and for which no indemnity has been selected, may bear to the total area of said sections when unsurveyed to be determined by the Secretary of the Interior, by protraction or otherwise, the amount necessary for such payments being appropriated and made available annually from any money in the Treasury not otherwise appropriated. (June 20, 1910, 36 Stat. 572.)

#### PROTECTION OF TIMBER AND DEPREDACTIONS

**1085. Protection of timber in Florida.**—The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida. (R. S., sec. 2460; Feb. 23, 1822, 9 Stat. 651; 16 U. S. C., sec. 593.)

**1086. Relief from prosecutions on payment for timber cut.**—That any person prosecuted in said States and Territory [the public-land States] for violating section two thousand four hundred and sixty-

one of the Revised Statutes of the United States [16 U. S. C., sec. 595] who is not prosecuted for cutting timber for export from the United States, may be relieved from further prosecution and liability therefor upon payment, into the court wherein said action is pending, of the sum of two dollars and fifty cents per acre for all lands on which he shall have cut or caused to be cut timber, or removed or caused to be removed the same: *Provided*, That nothing contained in this section shall be construed as granting to the person hereby relieved the title to said lands for said payment; but he shall have the right to purchase the same upon the same terms and conditions as other persons, as provided hereinbefore in this act: *And further provided*, That all moneys collected under this act shall be covered into the Treasury of the United States. And section four thousand seven hundred and fifty-one of the Revised Statutes is hereby repealed, so far as it relates to the State and Territory herein named. (June 3, 1878, sec. 5, 20 Stat. 90; 16 U. S. C., sec. 603.)

**1087. Cutting timber on certain mineral lands.**—That all citizens of the United States and other persons, bona fide residents of the States of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona-fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the under-growth growing upon such lands, and for other purposes.

It shall be lawful for the Secretary of the Interior to grant permits to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested, said permits to confer the same rights and benefits upon such corporations as are conferred upon corporations incorporated in the State in which the privilege is to be exercised: *Provided*, That all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein; but nothing herein shall enlarge the rights of any railway company to cut timber on the public domain. (June 3, 1878, sec. 1, 20 Stat. 88; Jan. 11, 1921, 41 Stat. 1088; 16 U. S. C., sec. 604.)

**1088. Punishment for violations of act.**—Any person or persons who shall violate the provisions of this act [16 U. S. C., secs. 604–606], or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months. (June 3, 1878, sec. 3, 20 Stat. 89, 16 U. S. C., sec. 606.)

**1089. Cutting and removing timber for certain purposes.**—And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, New Mexico, and Arizona, and the Territory of

Alaska, and the gold and silver regions of Nevada, California, Oregon, Washington, and Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain: Provided; that the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this act, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations, but this act shall not operate to repeal the act of June third, eighteen hundred and seventy-eight [16 U. S. C., secs. 604-606], providing for the cutting of timber on mineral lands. (Mar. 3, 1891, 26 Stat. 1099, 1093; Feb. 13, 1893, 27 Stat. 444; Mar. 3, 1901, 31 Stat. 1436; 16 U. S. C., sec. 607.)

**1089a. Permits to citizens of Malheur County, Oregon, to cut timber.**—That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of the eighth section of the Act of March third, eighteen hundred and ninety-one [16 U. S. C., sec. 607], to citizens of Malheur County, Oregon, to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Malheur County, State of Oregon. (Mar. 3, 1919, 40 Stat. 1321, 16 U. S. C., sec. 608.)

**1089b. Same; Modoc County, California.**—That it shall be lawful for the Secretary of the Interior to grant permits under the provisions of the eighth section of the Act of March third, eighteen hundred and ninety-one [16 U. S. C., sec. 607], to citizens of Modoc County, California, to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Modoc County, State of California. (Mar. 3, 1919, 40 Stat. 1322; 16 U. S. C., sec. 609.)

**1089c. Same; Washington and Kane Counties, Utah.**—That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of section 8 of the Act of March 3, 1891 [16 U. S. C., sec. 607], to citizens of Washington County, and of Kane County, Utah, to cut timber on the public lands of the counties of Mohave and Coconino, Arizona, for agricultural, mining, and other domestic purposes, and remove the timber so cut to said Washington County and Kane County, Utah. (Feb. 27, 1922, 42 Stat. 398; 16 U. S. C., sec. 610.)

**1090. Removal of timber cut in Wyoming, to Idaho.**—That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of the eighth section of the Act of March third eighteen hundred and ninety-one [16 U. S. C., sec. 607], to citizens of Idaho and Wyoming to cut timber in the State of Wyoming west of the continental divide, on the Snake River and its tributaries to the boundary line of Idaho for agricultural, mining, or other domestic purposes, and to remove the timber so cut to the State of Idaho. (July 1, 1898, sec. 1, 30 Stat. 618; 16 U. S. C., sec. 611.)

**1091. Limitation of use of timber taken from public lands not to apply to certain territory.**—That the provisions of chapter five hundred and fifty-nine of the Revised Statutes of the United States, approved March third, eighteen hundred and ninety-one [16 U. S. C., sec. 607], limiting the use of timber taken from public lands to residents of the State in which such timber is found, for use within said State, shall not apply to the south slope of Pryor Mountains, in the State of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but within the above-described boundaries the provisions of said chapter shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States. (Mar. 3, 1901, 31 Stat. 1439; 16 U. S. C., sec. 613.)

**1092. Rights of Saginaw & Manistee Lumber Co. to cut timber on lands within Coconino and Tusayan National Forests extended; condition; limitation.**—That the rights of the Saginaw and Manistee Lumber Co., and its successors in interest, to cut and remove the timber from such of the lands within the Coconino and Tusayan National Forests as were reconveyed to the United States, subject to outstanding timber-right contracts held by said company, under the rules, regulations, and conditions imposed by the Secretary of the Interior at the time of said reconveyance, are hereby extended to and until the thirty-first day of December, anno Domini nineteen hundred and fifty: *Provided*, That said company executes and enters into an agreement with the Secretary of Agriculture to comply with such additional requirements as may be mutually agreed upon to promote forest-fire protection, reforestation, and forestry administration, and further that all its rights to cut and remove timber from any lands within said National forests are to terminate on the thirty-first day of December, nineteen hundred and fifty; but this Act shall not be construed to confer upon said company any other rights in addition to those held by the company at the time of said reconveyance, and in the absence of the execution of such an agreement, this Act shall neither extend nor restrict the present rights of said company. (Apr. 1, 1918, 40 Stat. 1358.)

**1093. Exportation of timber cut on national forest or public land in Alaska.**—That timber lawfully cut on any national forest, or on the public lands in Alaska, may be exported from the State or Territory where grown if, in the judgment of the Secretary of the department administering the national forests, or the public lands in Alaska, the supply of timber for local use will not be endangered thereby, and the respective Secretaries concerned are hereby authorized to issue rules and regulations to carry out the purposes of this Act. (Apr. 12, 1926, 44 Stat. 242; 16 U. S. C., sec. 616.)

**1094. Secretary of Agriculture authorized to adjust contracts for sale of timber on national forests.**—That the Secretary of Agriculture is hereby authorized, upon application of the contracting parties involved, and after due notice publicly given, when such action is necessary in his judgment to prevent hardship or unemployment, and under such rules and regulations as he may prescribe, to terminate any contract made prior to June 30, 1934, for the sale of timber on national forests, without requiring the payment of damages for failure to cut all of the timber involved, except as the value of the remaining timber may have been reduced by the cutting and removal done by

the purchaser: *Provided*, That all applications for action by the Secretary under the authority of this Act shall be submitted within one year from the date of its approval. (Apr. 17, 1935, Public 38, 74th Cong.)

#### WILDLIFE CONSERVATION AND REHABILITATION

1095. Increasing supply of game, fur-bearing animals, and fish.—That the Secretary of Agriculture and the Secretary of Commerce are authorized to provide expert assistance to and to cooperate with Federal, State, and other agencies in the rearing, stocking, and increasing the supply of game and fur-bearing animals and fish, in combating diseases, and in developing a Nation-wide program of wildlife conservation and rehabilitation. (Mar. 10, 1934, sec. 1, 48 Stat. 401; 16 U. S. C., sec. 661.)

1096. Investigation as to effect of sewage and trade waste on fish and game.—The Secretary of Agriculture and the Secretary of Commerce are authorized to make such investigations as they may deem necessary to determine the effects of domestic sewage, trade wastes, and other polluting substances on wildlife, with special reference to birds, mammals, fish, and shellfish, and to make reports to the Congress of their investigations with recommendations for remedial measures. Such investigations shall include studies of methods for the recovery of wastes and the collation of data on the progress being made in these fields for the use of Federal, State, municipal, and private agencies. (Mar. 10, 1934, sec. 2, 48 Stat. 401; 16 U. S. C., sec. 662.)

1097. Use and regulation of impounded waters; dams.—(a) Whenever the Federal Government, through the Bureau of Reclamation or otherwise, impounds water for any use, opportunity shall be given to the Bureau of Fisheries and/or the Bureau of Biological Survey to make such uses of the impounded waters for fish-culture stations and migratory-bird resting and nesting areas as are not inconsistent with the primary use of the waters and/or the constitutional rights of the States. In the case of any waters heretofore impounded by the United States, through the Bureau of Reclamation or otherwise, the Bureau of Fisheries and/or the Bureau of Biological Survey may consult with the Bureau of Reclamation or other governmental agency controlling the impounded waters, with a view to securing a greater biological use of the waters not inconsistent with their primary use and/or the constitutional rights of the States and make such proper uses thereof as are not inconsistent with the primary use of the waters and/or the constitutional rights of the States.

(b) Hereafter, whenever any dam is authorized to be constructed, either by the Federal Government itself or by any private agency under Government permit, the Bureau of Fisheries shall be consulted, and before such construction is begun or permit granted, when deemed necessary, due and adequate provision, if economically practicable, shall be made for the migration of fish life from the upper to the lower and from the lower to the upper waters of said dam by means of fish lifts, ladders, or other devices. (Mar. 10, 1934, sec. 3, 48 Stat. 401; 16 U. S. C., sec. 663.)

1098. Plans for protection of wildlife.—The Office of Indian Affairs, the Bureau of Fisheries, and the Bureau of Biological Survey are

authorized, jointly, to prepare plans for the better protection of the wildlife resources, including fish, migratory waterfowl and upland game birds, game animals and fur-bearing animals, upon all the Indian reservations and unallotted Indian lands coming under the supervision of the Federal Government. When such plans have been prepared they shall be promulgated by the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture, who are authorized to make the necessary regulations for enforcement thereof and from time to time to change, alter, or amend such regulations. (Mar. 10, 1934, sec. 4, 48 Stat. 402; 16 U. S. C., sec. 664.)

**1099.** Certain Governmental agencies authorized to make surveys of wildlife resources.—The Bureau of Biological Survey and the Bureau of Fisheries are hereby authorized to make surveys of the wildlife resources of the public domain, or of any lands owned or leased by the Government, to conduct such investigations as may be necessary for the development of a program for the maintenance of an adequate supply of wildlife in these areas, to establish thereon game farms and fish-cultural stations commensurate with the need for replenishing the supply of game and fur-bearing animals and fish, and, in cooperation with the National Park Service, The Forest Service, or other Federal agencies, the State agencies, to coordinate and establish adequate measures for wildlife control on such game farms and fish-cultural stations: *Provided*, That no such game farm shall hereafter be established in any State without the consent of the legislature of that State. (Mar. 10, 1934, sec. 5, 48 Stat. 402; 16 U. S. C., sec. 665.)

**1100.** Governmental agencies authorized to cooperate with States, etc.; and accept donations, etc.—In carrying out the provisions of this Act [16 U. S. C., secs. 661–666] the Federal agencies charged with its enforcement may cooperate with other Federal agencies and with States, counties, municipalities, individuals, and public and private agencies, organizations, and institutions, and may accept donations of lands, funds, and other aids to the development of the program authorized in this Act [16 U. S. C., secs. 661–666]: *Provided, however*, That no such donations of land shall be accepted without consent of the legislature of the State in which such land may be situated: *Provided*, That no authority is given in this Act [16 U. S. C., secs. 661–666] for setting up any additional bureau or division in any department or commission, and shall not authorize any additional appropriation for carrying out its purposes. (Mar. 10, 1934, sec. 6, 48 Stat. 402; 16 U. S. C., sec. 666.)

**1101.** Allocation of moneys appropriated by Public Resolution No. 11, approved April 8, 1935, for acquisition of wildlife refuges.—The President of the United States is hereby authorized to allocate out of moneys appropriated to him under the terms of Public Resolution Numbered 11, Seventy-fourth Congress, approved April 8, 1935, such sum as he may deem necessary or advisable for the acquisition by purchase, or otherwise, including the necessary expenses incidental thereto, of areas of land and water or land or water for game bird and animal refuges and for migratory bird sanctuaries and refuges, to be expended in accordance with the provisions of the said

Public Resolution Numbered 11. (June 15, 1935, sec. 501, title V, Public 148, 74th Cong.)

1102. Continuance of appropriation of June 16, 1933, to enable Secretary of Agriculture to provide for restoration, etc., of wildlife, and erect buildings, dikes, canals.—That there is hereby appropriated out of the unexpended balance of the sum of \$3,300,000,000 appropriated by the Act of June 16, 1933 (48 Stat. 274), making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and for other purposes, the sum of \$6,000,000, which shall remain available until expended, to enable the Secretary of Agriculture to acquire by purchase or otherwise such lands as may be necessary in his opinion adequately to provide for the restoration, rehabilitation, and protection of migratory waterfowl and other wildlife and to erect and construct thereon and in connection therewith such buildings, dikes, dams, canals, and other works as may be necessary; and in the execution of this Act the Secretary of Agriculture is authorized to make such expenditures for personal services in the District of Columbia and elsewhere as he shall deem necessary. (June 15, 1935, title VII, Public 148, 74th Cong.)

#### GAME AND BIRD PRESERVES; PROTECTION

1103. National Bison Range.—The President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, not to exceed 20,000 acres of said lands, near the confluence of the Pend d'Oreille and Jocko rivers, for a permanent national bison range for the herd of bison presented by the American Bison Society. \* \* \* And the Secretary of Agriculture is hereby authorized and directed to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds and buildings for the proper care and maintenance of the said bison. (May 23, 1908, 35 Stat. 267; Mar. 4, 1909, 35 Stat. 1051; 16 U. S. C., sec. 671.)

1104. Wind Cave National Game Preserve.—For the establishment of a national game preserve, to be known as the Wind Cave National Game Preserve, upon the land embraced within the boundaries of the Wind Cave National Park, in the State of South Dakota, for a permanent national range for a herd of buffalo to be presented to the United States by the American Bison Society, and for such other native American game animals as may be placed therein. The Secretary of Agriculture is authorized to acquire by purchase or condemnation such adjacent lands as may be necessary for the purpose of assuring an adequate, permanent water supply, and to enclose the said game preserve with a good and substantial fence and to erect thereon all necessary sheds and buildings for the proper care and maintenance of the said animals, twenty-six thousand dollars, to be available until expended. (Aug. 10, 1912, 37 Stat. 293; 16 U. S. C., sec. 672.)

1105. Wind Cave National Game Preserve transferred to Department of Interior.—That, effective July 1, 1935, the Wind Cave National Game Preserve in the State of South Dakota, be, and the same is hereby, abolished, and all the property, real or personal, comprising the same is hereby transferred to and made a part of the Wind Cave National Park and the same shall hereafter be administered by the

Secretary of the Interior as a part of said park, subject to all laws and regulations applicable thereto, for the purposes expressed in the Act of August 10, 1912 (37 Stat. 268-293), establishing said game preserve. (June 15, 1935, sec. 601, title VI, Public 148, 74th Cong.)

**1106. Wyoming elk reserve.**—For the establishment of a winter game (elk) reserve in the State of Wyoming, which shall be located in that section of Wyoming lying south of the Yellowstone Park, and shall include not less than two thousand acres in township forty-one north, ranges one hundred and fifteen and one hundred and sixteen west, forty-five thousand dollars, to be available until expended, and the Secretary of Agriculture is hereby authorized to purchase said lands with improvements, to erect necessary buildings and inclosures, and to incur other expenses necessary for the maintenance of the reserve. The Secretary of Agriculture is hereby authorized to include in said refuge and to inclose not more than one thousand acres of unoccupied public lands, which, when selected, shall be made to conform to the lines of the public surveys, and shall be adjacent to or partly inclosed by said refuge. (Aug. 10, 1912, 37 Stat. 293; Mar. 4, 1913, 37 Stat. 847; 16 U. S. C., sec. 673.)

**1107. Acceptance of title to land to become part of Winter Elk Refuge.**—That the Secretary of Agriculture be, and he is hereby, authorized to accept, on behalf of and without expense to the United States, from the Izaak Walton League of America, or its authorized trustees, a gift of certain lands in Teton County, Wyoming, described as the south half of section 4; the east half of the southeast quarter of section 5; the southwest quarter of the southeast quarter of section 5; the south half of the southwest quarter of section 5; the southeast quarter of the northeast quarter of section 7; the east half of the southeast quarter of section 7; the southwest quarter of the southeast quarter of section 7, and lot 4 of section 7; all of section 8; the north half of the northeast quarter of section 9; the north half of the northwest quarter of section 9; and the southwest quarter of the northwest quarter of section 9; the north half of the northeast quarter of section 17; lot 1 of section 18; and the east half of the northwest quarter of section 18; all in township 41 north, range 115 west, of the sixth principal meridian, including all the buildings and improvements thereon, and all rights, easements, and appurtenances thereunto appertaining, subject to the conditions that they be used and administered by the United States, under the supervision and control of the Secretary of Agriculture, for the grazing of, and as a refuge for, American elk and other big game animals, and that they be known as the Izaak Walton League addition to the winter elk refuge: *Provided*, That upon the conveyance of said lands to the United States, as herein provided, they shall become a part of the winter elk refuge established pursuant to the authority contained in the Act of August 10, 1912 (Thirty-seventh Statutes at Large, page 293) [16 U. S. C., sec. 673], and shall be subject to any laws governing the administration and protection of said refuge. (Feb. 25, 1927, 44 Stat. 1246; 16 U. S. C., sec. 673a.)

**1108. Sullys Hill National Park Game Preserve.**—For the improvement of a game preserve in Sullys Hill National Park, in the State of North Dakota, \$5,000, the same to be available until expended. The Secretary of Agriculture is authorized to inclose the said park

with a good and substantial fence, to construct thereon all sheds, buildings, and corrals necessary for the proper care and maintenance of the animals and birds therein, to erect a suitable headquarters, to construct and maintain roads, trails, and other structures necessary for the convenience of visitors, and to incur such other expenses as may be necessary for the proper maintenance of the preserve and the animals and birds placed therein. The Secretary of Agriculture is also authorized to place in the park buffaloes, elk, deer, and such other wild or rare animals and birds as he may in his discretion decide. (June 30, 1914, 38 Stat. 434; 16 U. S. C., sec. 674.)

1109. Same; transfer of control; change of name, use.—That the Secretary of the Interior be, and he is hereby, authorized to transfer to the control of the Secretary of Agriculture Sullys Hill National Park, together with all improvements thereon, in the State of North Dakota, and the Secretary of Agriculture shall hereafter administer said area as a big game preserve, refuge, and breeding grounds for wild animals and birds, which shall be known as the Sullys Hill National Game Preserve and shall embrace within its boundaries the lands described in the proclamation of June 2, 1904, establishing Sullys Hill Park, together with all unsurveyed or public lands uncovered by the recession of the waters of Devils Lake in front of said reservation, the preserve to be bounded on the north and northwest by the waters of Devils Lake, and on the west and southwest by a stream which flows through lands uncovered by the recession of the waters of Devils Lake, approximately midway between lots 10 and 11, section 17; lots 1, 2, 6, and 8, section 16; and lot 2, section 9; lots 3, 4, and 5, section 16, township 152 north, range 65 west, fifth principal meridian, as meandered on the official plats of survey approved June 23, 1904, and June 2, 1927: *Provided*, That the said game preserve is to be made available to the public for recreational purposes insofar as consistent with the use of this area as a game preserve: *Provided further*, That hunting shall not be permitted on said game preserve. (Mar. 3, 1931, sec. 1, 46 Stat. 1509; 16 U. S. C., sec. 674a.)

1110. Same; acquisition of additional lands.—The Secretary of Agriculture is authorized to acquire, by purchase or otherwise, after July 1, 1932, an area of land not to exceed three thousand acres, at an average cost of not more than \$10 per acre, with the improvements thereon, situated on the east and south of said preserve as described in section 1 of this Act [16 U. S. C., sec. 674a], within sections 10, 11, 12, 13, 14, 15, 22, 23, and 24, township 152 north, range 65 west, fifth principal meridian, said lands, upon acquisition by the United States, to become a part of the Sullys Hill National Game Preserve. (Mar. 3, 1931, sec. 21, 46 Stat. 1509; 16 U. S. C., sec. 674b.)

1112. Same; boundary and fences; buildings, supplies.—The Secretary of Agriculture is authorized to construct and maintain such boundary and division fences as are required to inclose and subdivide the preserve; to construct such buildings and improvements, to install and maintain a suitable water-supply and sanitary system, to purchase such supplies, and to employ such assistants as are necessary for the maintenance of the preserve and the improvements thereon and for the accommodation of visitors thereto. (Mar. 3, 1931, sec. 3, 46 Stat. 1510; 16 U. S. C., sec. 674c.)

**1112. Appropriation.**—There is authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated such sums as Congress shall from time to time deem necessary to carry out the purposes of this Act [16 U. S. C., secs. 674a-674d]. (Mar. 3, 1931, sec. 4, 46 Stat. 1510; 16 U. S. C., sec. 674d.)

**1113. Custer State Park Game Sanctuary; establishment.**—That the President of the United States is hereby authorized to designate as the Custer State Park Game Sanctuary such areas, not exceeding thirty thousand acres, of the Harney National Forest, and adjoining or in the vicinity of the Custer State Park, in the State of South Dakota, as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor. (June 5, 1920, sec. 1, 41 Stat. 986; 16 U. S. C., sec. 675.)

**1114. Custer State Park Game Sanctuary, enlargement.**—That upon recommendation of the Secretary of Agriculture the area designated as the Custer State Park Game Sanctuary under the provisions of the Act of June 5, 1920 (Forty-first Statutes at Large, page 986), may by proclamation of the President be enlarged to embrace a total of not to exceed forty-six thousand acres, and the Act of June 5, 1920, shall otherwise apply with equal force to the additional area authorized by this Act. (June 7, 1924, 43 Stat. 632; 16 U. S. C., sec. 675.)

**1115. Same; hunting in; regulation; punishment.**—That when such areas have been designated as provided for in section 1 of this Act [16 U. S. C., sec. 675], hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding \$1,000, or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court. (June 5, 1920, sec. 2, 41 Stat. 986; 16 U. S. C., sec. 676.)

**1116. Same; local game laws not interfered with.**—That it is the purpose of this Act [16 U. S. C., secs. 675-678] to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands. (June 5, 1920, sec. 3, 41 Stat. 986; 16 U. S. C., sec. 676.)

**1117. Same; inclosure.**—That the State of South Dakota is hereby authorized and permitted to erect and maintain a good, substantial fence, inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 1 [16 U. S. C., sec. 675]. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this game sanctuary and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of Agriculture. The right of the State to maintain this fence shall continue so long as the area designated by the President as a game sanctuary is also given similar protection by the laws of the State of

South Dakota. (June 5, 1920, sec. 4, 41 Stat. 986; 16 U. S. C., sec. 677.)

1118. Same; exchange of lands with State of South Dakota.—Upon recommendation of the Secretary of Agriculture, the Secretary of the Interior may patent to the State of South Dakota not to exceed one thousand six hundred acres of nonmineral national forest lands not otherwise appropriated or withdrawn within the areas of Custer State Park Game Sanctuary: *Provided*, That the State of South Dakota conveys to the Government good and sufficient title to other lands of equal value owned by the State and lying within the exterior boundaries of a national forest in the State of South Dakota and approved by the Secretary of Agriculture as equally desirable for national forest purposes, the lands thus conveyed to the Government to become a part of the national forest. This shall not operate to restrict any selection rights which the State may have or may be hereafter granted, excepting as to the specific lands conveyed to the Government under authority of this section. (June 5, 1920, sec. 5, 41 Stat. 986; 16 U. S. C., sec. 678.)

1119. Game animal and bird refuge in South Dakota; establishment.—That, subject to valid existing rights and entries heretofore initiated under the public land laws, any or all of the following-described lands in Government ownership may be withdrawn from entry and disposition by proclamation of the President for the purpose of protecting and propagating antelope and other game animals and birds: National-forest lands—Township 18 north, range 7 east, Black Hills meridian, section 24, south half, and south half north half; section 25, all; township 18 north, range 8 east, sections 17 to 20, inclusive; section 21, west half; sections 29 to 32, inclusive. Public lands—Township 18 north, range 7 east, sections 5 to 9 inclusive; sections 13 to 23, inclusive; section 24, north half north half; sections 26 to 36, inclusive; and those parts of sections 3, 4, 10, and 11 lying south and west of the Riva Road: *Provided*, That the withdrawal of the lands herein authorized shall not affect existing withdrawals for national-forest purposes. (June 7, 1924, sec. 1, 43 Stat. 634; 16 U. S. C., sec. 680.)

1120. Same; erection of fence by State.—That the State of South Dakota is hereby authorized and permitted to erect and maintain a good, substantial fence inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 1 hereof [16 U. S. C., sec. 680]. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in the administration of the national forest lands embraced therein, or to provide ingress and egress to persons occupying lands within said inclosure. The right of the State to maintain said fence shall continue so long as the area designated by the President shall be given protection by the laws of the State of South Dakota as a game refuge. (June 7, 1924, sec. 2, 43 Stat. 634; 16 U. S. C., sec. 681.)

1121. Game refuge in Ozark National Forest.—That the President of the United States is hereby authorized to designate such national forest lands within the Ozark National Forest, within the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, or fish; and whoever shall hunt, catch, trap,

willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than \$500 or imprisoned not more than six months, or both: *Provided*, That no lands within the present limits of the fourth congressional district shall be included in such designation. (Feb. 28, 1925, 43 Stat. 1091; 16 U. S. C., sec. 682.)

**1122. Areas set aside for protection of game and fish; unlawfully taking game or fish.**—That the President of the United States is hereby authorized to designate such areas on any lands which have been, or which may hereafter be, purchased by the United States under the provisions of the Act of March first, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page nine hundred and sixty-one), entitled "An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams", and Acts supplementary thereto and amendatory thereof [16 U. S. C., secs. 513-519, 521], as should, in his opinion, be set aside for the protection of game animals, birds, or fish; and whoever shall hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than \$500 or imprisoned not more than six months, or both. (Aug. 11, 1916, 39 Stat. 476; 16 U. S. C., sec. 683.)

**1123. Game breeding areas in Wichita and Grand Canyon National Forest.**—That the President of the United States is hereby authorized to designate such areas in the Wichita National Forest and Grand Canyon National Forest as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor. (Jan. 24, 1905, sec. 1, 33 Stat. 614; June 29, 1906, sec. 1, 34 Stat. 607; 16 U. S. C., sec. 684.)

**1124. Same; hunting, trapping, etc., unlawful.**—That when such areas have been designated as provided for in section one of this Act [16 U. S. C., sec. 684], hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time, by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act [16 U. S. C., secs. 684-686] shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding one thousand dollars or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court. (Jan. 24, 1905, sec. 2, 33 Stat. 614; June 29, 1906, sec. 2, 34 Stat. 607; 16 U. S. C., sec. 685.)

**1125. Same; operation of local game law.**—That it is the purpose of this Act [16 U. S. C., secs. 684-686] to protect from trespass the public lands of the United States and the game animals and birds

which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands. (Jan. 24, 1905, sec. 3, 33 Stat. 614; June 29, 1906, sec. 3, 34 Stat. 607; 16 U. S. C., sec. 686.)

**1126. Same; Grand Canyon Game Preserve included in Park.**—The Executive order of January eleventh, nineteen hundred and eight, creating the Grand Canyon National Monument, is hereby revoked and repealed, and such parts of the Grand Canyon National Game Preserve, designated under authority of the Act of Congress, approved June twenty-ninth, nineteen hundred and six, entitled "An Act for the protection of wild animals in the Grand Canyon Forest Reserve" [16 U. S. C., sec. 684], as are by this Act included with the Grand Canyon National Park are hereby excluded and eliminated from said game preserve. (Feb. 26, 1919, sec. 9, 40 Stat. 1178; 16 U. S. C., sec. 687.)

**1127. Sequoia National Game Preserve.**—That all parts of township 17 south, ranges 31 and 32 east, and township 18 south, range 31 east, Mount Diablo base and meridian, which are north of the hydrographic divide passing through Farewell Gap, and which are not added to and made part of the Sequoia National Park by the provisions of this Act [16 U. S. C., sec. 45a], are hereby designated as the Sequoia National Game Refuge, and the hunting, trapping, killing, or capturing of birds and game or other wild animals upon the lands of the United States within the limits of the said area shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any persons violating such regulations or the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding \$1,000, or by imprisonment for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court: *Provided*, That it is the purpose of this section to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands: *Provided further*, That the lands included in said game refuge shall continue to be parts of the Sequoia National Forest and nothing contained in this section shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and the rules and regulations applicable thereto so far as may be consistent with the purposes for which said game refuge is established. (July 3, 1926, sec. 6, 144 Stat. 821; 16 U. S. C., sec. 688.)

**1128. Tahquitz National Game Preserve.**—That there is hereby created within the San Bernardino National Forest in Riverside County, California, for the protection of game animals, and as the recognized breeding place therefor, the Tahquitz National Game Preserve, which shall include the following lands: Sections 28, 29, 30, 31, 32, 33, 34, and 35, township 3 south, range 3 east, San Bernardino meridian; sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, township 4 south, range 3 east, San Bernardino meridian; and sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, and 24, township 5 south, range 3 east, San Bernardino meridian; but the establishment of this reservation shall not inter-

fere with any existing right or withdrawals made prior to passage of this Act: *Provided*, That all the land within the exterior boundary of the aforesaid tract shall first become the property of the United States.

That where the Government survey has not been completed the aforesaid description shall be deemed to refer to and be determined by lines projected from the official survey. (July 3, 1926, sec. 1, 44 Stat. 889; 16 U. S. C., sec. 689.)

**1129. Other uses of land permitted.**—That the lands included in said game preserve shall continue to be parts of the national forest and nothing contained in this Act [16 U. S. C., secs. 689–689d] shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and rules and regulations applicable thereto so far as any such use may be consistent with the purposes for which said game preserve is established. (July 3, 1926, sec. 2, 44 Stat. 889; 16 U. S. C., sec. 689a.)

**1130. Hunting, etc., prohibited; penalties.**—On lands within the game preserve established in section 2 of this Act [16 U. S. C., sec. 689], hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals or birds for any purpose whatever upon the lands of the United States within the limits of said game preserve shall be unlawful except as hereinafter provided, and any person violating any provision of this section or any of the rules and regulations made under the provisions of this Act [16 U. S. C., secs. 689–689d] shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court, be fined in a sum not exceeding \$500, or be imprisoned for a period not exceeding six months, or shall suffer both the fine and imprisonment, in the discretion of the court. (July 3, 1926, sec. 3, 44 Stat. 889; 16 U. S. C., sec. 689b.)

**1131. Rules and regulations; predatory animals.**—The Secretary of Agriculture shall execute the provision of this Act [16 U. S. C., secs. 689–689d], and he is hereby authorized to make all needful rules and regulations for the administration of such game preserves in accordance with the purpose of this Act, including regulations for hunting, capturing, or killing predatory animals, such as wolves, coyotes, cougar, and other species destructive to livestock or wild life within the limits of said game preserve. (July 3, 1926, sec. 4, 44 Stat. 889; 16 U. S. C., sec. 689c.)

**1132. Acceptance of title to privately owned lands.**—Upon the recommendation of the Secretary of Agriculture the Secretary of the Interior be, and hereby is, authorized in his discretion to accept, on behalf of the United States, title to any lands in private ownership within the boundaries of the game preserve established hereby, and make exchange therefor under the provisions of the Act approved March 20, 1922 (Forty-second Statutes, page 465) [16 U. S. C., sec. 485]. (July 3, 1926, sec. 5, 44 Stat. 889; 16 U. S. C., sec. 689d.)

**1133. Bear River Migratory Bird Refuge; establishment; acquisition of lands.**—That the Secretary of Agriculture is hereby authorized to construct, at Bear River Bay and vicinity, Utah, such dikes, ditches, spillways, buildings, and improvements as may be necessary, in his judgment, for the establishment of a suitable refuge and feeding and breeding grounds for migratory wild fowl; also to acquire, by

purchase, gift, or lease, water rights and privately owned lands, including the improvements thereon, deemed necessary by him for the purpose, or, in lieu of purchase, to compensate any owner for any damage sustained by reason of the submergence of his lands. (Apr. 23, 1928, sec. 1, 45 Stat. 448; 16 U. S. C., sec. 690.)

**1134. Maintenance as refuge and breeding place for migratory birds.**—That such lands, when acquired in accordance with the provisions of this Act [16 U. S. C., secs. 690–690i], together with such lands of the United States as may be designated for the purpose by proclamations or Executive orders of the President, shall constitute the Bear River Migratory Bird Refuge and shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916. (Apr. 23, 1928, sec. 2, 45 Stat. 448; 16 U. S. C., sec. 690a.)

**1135. Consent of Utah to acquisition of lands; approval of title to acquired lands.**—That no such area shall be acquired by the Secretary of Agriculture unless or until the Legislature of the State of Utah has consented to the acquisition of lands by the United States for use as a refuge for migratory wild fowl, and shall have provided for the use as a refuge for migratory wild fowl by the United States of any lands owned or controlled by the State in Bear River Bay, Utah, and vicinity, which the Secretary of Agriculture may deem necessary for such purpose, and which the Secretary of Agriculture is hereby authorized to accept on behalf of the United States; and, except in the case of a lease, no payments shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General. (Apr. 23, 1928, sec. 3, 45 Stat. 449; 16 U. S. C., sec. 690b.)

**1136. Existence of easements, reservations, or exceptions as barring acquisition of lands.**—That the existence of a right-of-way easement or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of Agriculture determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this Act [16 U. S. C., secs. 690–690i], or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this Act [16 U. S. C., secs. 690–690i]. (Apr. 23, 1928, sec. 4, 45 Stat. 449; 16 U. S. C., sec. 690c.)

**1137. Injuries to property; disturbance of birds; violation of regulations.**—That no person shall take, injure, or disturb any bird, or nest or egg thereof, or injure or destroy any notice, signboard, fence, dike, ditch, dam, spillway, improvement, or other property of the United States on any area acquired or received under this Act [16 U. S. C., secs. 690–690i], or remove therefrom or cut, burn, injure, or destroy any grass or other natural growth thereon, or enter, use, or occupy the refuge for any purpose, except in accordance with regulations prescribed by the Secretary of Agriculture: *Provided*, That at no time shall less than 60 per centum of the total acreage of the said refuge be maintained as an inviolate sanctuary for such

migratory birds. (Apr. 23, 1928, sec. 5, 45 Stat. 449; 16 U. S. C., sec. 690d.)

1138. Enforcement of laws and regulations; warrants; jurisdiction of courts; forfeiture of property captured, injured, killed, or removed.—(a) Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this Act [16 U. S. C., secs. 690-690i] (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act [16 U. S. C., secs. 690-690i] or of any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act [16 U. S. C., secs. 690-690i] or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds or animals, or parts thereof, captured, injured, or killed, and all grass and other natural growths, and nests and eggs of birds removed contrary to the provisions of this Act [16 U. S. C., secs. 690-690i] or any regulation made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him, and upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, or removed contrary to the provisions of this Act [16 U. S. C., secs. 690-690i] or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction. (Apr. 23, 1928, sec. 6, 45 Stat. 449; 16 U. S. C., sec. 690e.)

1139. Expenditures by Secretary for construction, maintenance, etc.; employment of necessary means to execute functions imposed.—That the Secretary of Agriculture is authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including necessary investigations, and expenditures for personal services and office expenses at the seat of government and elsewhere, and to employ such means as may be necessary to execute the functions imposed upon him by this Act [16 U. S. C., secs. 690-690i] and as may be provided for by Congress from time to time. (Apr. 23, 1928, sec. 7, 45 Stat. 449; 16 U. S. C., sec. 690f.)

1140. Appropriations.—That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$350,000, or so much thereof as may be necessary to effectuate the provisions of this Act [16 U. S. C., secs. 690-690i]: *Provided*, That not to exceed \$50,000 may be expended for the purchase of land, including improvements thereon. (Apr. 23, 1928, sec. 8, 45 Stat. 450; 16 U. S. C., secs. 690-690i.)

1141. Violation of laws and regulations.—That any person who shall violate or fail to comply with any provision of, or any regulation made pursuant to, this Act [16 U. S. C., secs. 690-690i] shall be deemed guilty of a misdemeanor, and upon conviction thereof shall

be fined not more than \$500 or be imprisoned not more than six months, or both. (Apr. 23, 1928, sec. 9, 45 Stat. 450; 16 U. S. C., sec. 690g.)

**1142.** "Person" defined.—That as used in this Act [16 U. S. C., secs. 690-690i] the term "person" includes an individual, partnership, association, or corporation. (Apr. 23, 1928, sec. 10, 45 Stat. 450; 16 U. S. C., sec. 690h.)

**1143.** Cheyenne Bottoms Migratory Bird Refuge; location; acquisition of land.—That the Secretary of Agriculture be, and he is hereby, authorized to acquire by purchase, gift, or lease not to exceed twenty thousand acres of land in what is known as the Cheyenne Bottoms, in Barton County, Kansas, or, in lieu of purchase, to compensate any owner for any damage sustained by reason of submergence of his lands. (June 12, 1930, sec. 1, 46 Stat. 579; 16 U. S. C., sec. 691.)

**1144.** Establishment; purpose.—That such lands, when acquired in accordance with the provisions of this Act [16 U. S. C., secs. 691-691d], shall constitute the Cheyenne Bottoms Migratory Bird Refuge, and shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916. (June 12, 1930, sec. 2, 46 Stat. 579; 16 U. S. C., sec. 691a.)

**1145.** Appropriation.—That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum of \$250,000, or so much thereof as may be necessary to purchase or otherwise acquire the land described in section 1 of this Act [16 U. S. C., sec. 691]. (June 12, 1930, sec. 3, 46 Stat. 579; 16 U. S. C., sec. 691b.)

**1146.** Acquisition of areas.—That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this Act [16 U. S. C., secs. 691-691d], including purchase of options when deemed necessary by the Secretary of Agriculture, and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General. That the acquisition of such areas by the United States shall in no case be defeated because of rights-of-way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purpose of this Act [16 U. S. C., secs. 691-691d]. (June 12, 1930, sec. 4, 46 Stat. 579; 16 U. S. C., sec. 691c.)

**1147.** Laws applicable.—Sections 7, 8, 9, 10, 13, 14, and 15 of the Migratory Bird Conservation Act, approved February 18, 1929 [16 U. S. C., secs. 715f, 715g, 715h, 715i, 715l, 715m, 715n], are hereby made applicable for the purposes of this Act [16 U. S. C., secs. 691-691d] in the same manner and to the same extent as though they were enacted as a part of this Act [16 U. S. C., secs. 691-691d]. (June 12, 1930, sec. 5, 46 Stat. 579; 16 U. S. C., sec. 691d.)

**1148.** Game sanctuaries or refuges in Ocala National Forest.—That the President of the United States be, and he is hereby, authorized to designate as game refuges such lands of the United States within the Ocala National Forest, in the State of Florida, as in his judgment

should be set aside for the protection of game animals and birds, but it is not intended that the lands so designated shall cease to be parts of the national forest within which they are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the lands under and in conformity with the laws and regulations applicable thereto so far as such uses may be consistent with the purposes for which such game sanctuaries or refuges are established. (June 28, 1930, 46 Stat. 827; 16 U. S. C., sec. 692.)

**1149. Unlawful acts; penalty.**—That when such game sanctuaries or refuges have been established as provided in section 1 hereof [16 U. S. C., sec. 692], the hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any game animals or birds upon the lands of the United States within the limits of such game sanctuaries or refuges, except as herein provided, shall be unlawful, and any person violating any of the provisions of this Act [16 U. S. C., secs. 692–692a], or any of the rules and regulations made thereunder, shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court, be fined in a sum not exceeding \$500 or imprisonment not more than six months, or both. (June 28, 1930, sec. 1, 46 Stat. 828; 16 U. S. C., sec. 692a.)

**1150. Game sanctuaries and refuges in Ouachita National Forest.**—That for the purpose of providing breeding places and for the protection and administration of game animals, birds, and fish, the President of the United States is hereby authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified areas within the Ouachita National Forest as game sanctuaries and refuges. (June 13, 1933, sec. 1, 48 Stat. 128; 16 U. S. C., sec. 693.)

**1151. Rules and regulations; violations; penalties.**—That the Secretary of Agriculture shall execute the provisions of this Act [16 U. S. C., secs. 693–693a], and he is hereby authorized to prescribe all general rules and regulations for the administration of such game sanctuaries and refuges, and violation of such rules and regulations shall be punished by fine of not more than \$500 or imprisonment for not more than six months or both. (June 13, 1933, sec. 2, 48 Stat. 128; 16 U. S. C., sec. 693a.)

**1152. Fish and game sanctuaries in national forests; President to designate areas.**—That for the purpose of providing breeding places for game birds, game animals, and fish on lands and waters in the national forests not chiefly suitable for agriculture, the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture and the Secretary of Commerce and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified and limited areas within said forests as fish and game sanctuaries or refuges which shall be devoted to the increase of game birds, game animals, and fish of all kinds naturally adapted thereto, but it is not intended that the lands included in such fish and game sanctuaries or refuges shall cease to be parts of the national forests wherein they are located, and the establishment of such fish and game sanctuaries or refuges shall not prevent

the Secretary of Agriculture from permitting other uses of the national forests under and in conformity with the laws and the rules and regulations applicable thereto so far as such uses may be consistent with the purposes for which such fish and game sanctuaries or refuges are authorized to be established. (Mar. 10, 1934, sec. 1, 48 Stat. 400; 16 U. S. C., sec. 694.)

1153. Same; hunting or fishing thereon made unlawful.—That when such fish and game sanctuaries or refuges have been established as provided in section 1 of this Act [16 U. S. C., sec. 694], hunting, pursuing, poisoning, angling for, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, angle for, kill, or capture any wild animals or fish for any purpose whatever upon the lands of the United States within the limits of said fish and game sanctuaries or refuges shall be unlawful except as hereinafter provided, and any person violating any provision of this Act [16 U. S. C., secs. 694-694b] or any of the rules and regulations made under the provisions of this Act shall be deemed guilty of a misdemeanor and shall upon conviction in any United States court be fined in a sum of not exceeding \$100 or imprisonment not exceeding six months, or both. (Mar. 10, 1934, sec. 2, 48 Stat. 400; 16 U. S. C., sec. 694a.)

1154. Secretaries of Agriculture and Commerce authorized to execute act; jurisdiction of States not affected.—That the Secretaries of Agriculture and Commerce shall execute the provisions of this Act [16 U. S. C., secs. 694-694b], and they are hereby jointly authorized to make all needful rules and regulations for the administration of such fish and game sanctuaries or refuges in accordance with the purpose of this Act, including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals, such as wolves, coyotes, foxes, pumas, and other species destructive to livestock or wildlife or agriculture within the limits of said fish and game sanctuaries or refuges: *Provided*, That the present jurisdiction of the States shall not be altered or changed without the legislative approval of such States. (Mar. 10, 1934, sec. 3, 48 Stat. 401; 16 U. S. C., sec. 694b.)

1155. Acceptance of title to lands to become part of Columbia River Bird Refuge.—That the Secretary of Agriculture be, and he is hereby, authorized to accept, on behalf of and without expense to the United States, from the Northern Pacific Railway Company, a corporation organized and existing under the laws of the State of Wisconsin, or its authorized agents, a gift of certain lands situate in the counties of Benton and Walla Walla, State of Washington, described as lot 8, section 21, and lot 5, section 33, all in township 7 north, range 31 east, Willamette principal meridian, containing six and ninety-seven hundredths acres, more or less, including all the buildings and improvements thereon, and all rights, easements, and appurtenances thereunto appertaining: *Provided*, That upon the acceptance of the title to the lands above described by the United States they shall become a part of the Columbia River Bird Refuge established pursuant to the authority contained in Executive Order Numbered 4501, dated August 28, 1926, and shall be subject to any laws governing the administration and protection of said refuge. (Feb. 28, 1929, 45 Stat. 1413.)

**PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS  
IN GENERAL**

**1156. Game and wild birds; preservation.**—That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this Act [this section and 18 U. S. C., secs. 391–395] and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this Act [this section and 18 U. S. C., secs. 391–395], and shall expend for said purposes such sums as Congress may appropriate therefor. (May 25, 1900, sec. 1, 31 Stat. 187; 16 U. S. C., sec. 701.)

**1157. Importation of eggs of game birds for propagation.**—That from and after the passage of this Act the Secretary of Agriculture shall have the power to authorize the importation of eggs of game birds for purposes of propagation, and he shall prescribe all necessary rules and regulations governing the importation of eggs of said birds for such purposes. (June 3, 1902, 32 Stat. 285; 16 U. S. C., sec. 702.)

**MIGRATORY BIRD TREATY ACT**

**1158. Short title of act.**—That this Act shall be known by the short title of the "Migratory Bird Treaty Act." (July 3, 1918, sec. 1, 40 Stat. 755; 16 U. S. C., sec. 710.)

**1159. Taking, killing, possessing migratory birds unlawful.**—That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation, or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August sixteenth, nineteen hundred and sixteen, or any part, nest, or egg of any such bird. (July 3, 1918, sec. 2, 40 Stat. 755; 16 U. S. C., sec. 703.)

**1160. Determination as to when and how migratory birds may be taken, killed, possessed.**—That subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic

value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President. (July 3, 1918, sec. 3, 40 Stat. 755; 16 U. S. C., sec. 704.)

1161. Transportation or importation of migratory birds; when unlawful.—That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried. (July 3, 1918, sec. 4, 40 Stat. 755; 16 U. S. C., sec. 705.)

1162. Arrests, search warrants.—That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this Act shall have power, without warrant, to arrest any person committing a violation of this Act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this Act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this Act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction. (July 3, 1918, sec. 5, 40 Stat. 756; 16 U. S. C., sec. 706.)

1163. Punishment.—That any person, association, partnership, or corporation who shall violate any of the provisions of said convention or of this Act, or who shall violate or fail to comply with any regulations made pursuant to this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both. (July 3, 1918, sec. 6, 40 Stat. 756; 16 U. S. C., sec. 707.)

**1164. State or territorial laws or regulations.**—That nothing in this Act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said convention or this Act, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend the open seasons for such birds beyond the dates approved by the President in accordance with section three of this Act [16 U. S. C., sec. 704]. (July 3, 1918, sec. 7, 40 Stat. 756; 16 U. S. C., sec. 708.)

**1165. Migratory birds, nests, and eggs for scientific purposes.**—That until the adoption and approval, pursuant to section three of this Act, of regulations dealing with migratory birds and their nests and eggs, such migratory birds and their nests and eggs as are intended and used exclusively for scientific or propagating purposes may be taken, captured, killed, possessed, sold, purchased, shipped, and transported for such scientific or propagating purposes if and to the extent not in conflict with the laws of the State, Territory, or District in which they are taken, captured, killed, possessed, sold, or purchased, or in or from which they are shipped or transported if the packages containing the dead bodies or the nests or eggs of such birds when shipped and transported shall be marked on the outside thereof so as accurately and clearly to show the name and address of the shipper and the contents of the package. (July 3, 1918, sec. 8, 40 Stat. 756; 16 U. S. C., sec. 709.)

**1166. Partial invalidity.**—That if any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (July 3, 1918, sec. 10, 40 Stat. 757; 16 U. S. C., sec. 710.)

**1167. Inconsistent laws repealed.**—That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed. (July 3, 1918, sec. 11, 40 Stat. 757.)

**1168. Breeding for food supply.**—Nothing in this Act shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulation for the purpose of increasing the food supply. (July 3, 1918, sec. 12, 40 Stat. 757; 16 U. S. C., sec. 711.)

#### MIGRATORY BIRD CONSERVATION ACT

**1169. Citation.**—That this Act shall be known by the short title of "Migratory Bird Conservation Act." (Feb. 18, 1929, sec. 1, 45 Stat. 1222; 16 U. S. C., sec. 715.)

**1170. Migratory Bird Conservation Commission.**—That a commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of Agriculture, as chairman, the Secretary of Commerce, the Secretary of the Interior, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives to be selected by the Speaker, is hereby created and authorized to consider and pass upon

any area of land, water, or land and water that may be recommended by the Secretary of Agriculture for purchase or rental under this Act, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. Any Member of the House of Representatives who is a member of the commission, if reelected to the succeeding Congress, may serve on the commission notwithstanding the expiration of a Congress. Any vacancy on the commission shall be filled in the same manner as the original appointment. The ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member *ex officio* of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this Act, of areas in his State. (Feb. 18, 1929, sec. 2, 45 Stat. 1222; 16 U. S. C., sec. 715a.)

1171. Annual report.—That the commission hereby created shall, through its chairman, annually report in detail to Congress, not later than the first Monday in December, the operations of the commission during the preceding fiscal year. (Feb. 18, 1929, sec. 3, 45 Stat 1223; 16 U. S. C., sec. 715b.)

1172. Areas recommended for approval; character.—That the Secretary of Agriculture shall recommend no area for purchase or rental under the terms of this Act except such as he shall determine is necessary for the conservation of migratory game birds. (Feb. 18, 1929, sec. 4, 45 Stat. 1223; 16 U. S. C., sec. 715c.)

1173. Purchase or rental of approved areas; gifts; devises; United States lands.—That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift or devise, for use as inviolate sanctuaries for migratory birds, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, including options when deemed necessary by the Secretary of Agriculture, from moneys to be appropriated hereunder by Congress from time to time: *Provided*, That no lands acquired, held, or used by the United States for military purposes shall be subject to any of the provisions of this Act. (Feb. 18, 1929, sec. 5, 45 Stat. 1223; 16 U. S. C., sec. 715d.)

1174. Same; examination of title; easements and reservations; rules and regulations relating thereto.—That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this Act, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General, but the acquisition of such areas by the United States shall in no case be defeated because of rights-of-way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purposes of this Act; but such rights-of-way, easements, and reservations retained by the grantor or lessor from

whom the United States receives title under this or any other Act for the acquisition by the Secretary of Agriculture of areas for wildlife refuges shall be subject to rules and regulations prescribed by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as inviolate sanctuaries for migratory birds or as refuges for wildlife; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights-of-way, easements, and reservations shall be subordinate to and subject to such rules and regulations as are set out in such deed or lease or, if deemed necessary by the Secretary of Agriculture, to such rules and regulations as may be prescribed by him from time to time. (Feb. 18, 1929, sec. 6, 45 Stat. 1223; June 15, 1935, sec. 301, Title III, Public 148, 74th Cong.; 16 U. S. C., sec. 715e.)

**1175.** Same; consent of State to conveyance.—That no deed or instrument of conveyance shall be accepted by the Secretary of Agriculture under this Act unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State. (Feb. 18, 1929, sec. 7, 45 Stat. 1223; 16 U. S. C., sec. 715f.)

**1176.** Jurisdiction of State over areas acquired.—That the jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this Act shall not be affected or changed by reason of their acquisition and administration by the United States as migratory-bird reservations, except so far as the punishment of offenses against the United States is concerned. (Feb. 18, 1929, sec. 8, 45 Stat. 1224; 16 U. S. C., sec. 715g.)

**1177.** Same; operation of State game laws.—That nothing in this Act is intended to interfere with the operation of the game laws of the several States applying to migratory game birds insofar as they do not permit what is forbidden by Federal law. (Feb. 18, 1929, sec. 9, 45 Stat. 1224; 16 U. S. C., sec. 715h.)

**1178.** Prohibited acts on areas acquired.—That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this Act, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any bird, or nest or egg thereof on any area acquired under this Act, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this Act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this Act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area. (Feb. 18, 1929, sec. 10, 45 Stat. 1224; 16 U. S. C., sec. 715i.)

**1179. Migratory birds defined.**—That for the purposes of this Act, migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916. (Feb. 18, 1929, sec. 11, 45 Stat. 1224; 16 U. S. C., sec. 715j.)

**1180. Appropriations; disposal, reservation protectors.**—For the acquisition, including the location, examination, and survey, of suitable areas of land, water, or land and water, for use as migratory bird reservations, and necessary expenses incident thereto, and for the administration, maintenance, and development of such areas and other preserves, reservations, or breeding grounds frequented by migratory game birds and under the administration of the Secretary of Agriculture, including the construction of dams, dikes, ditches, flumes, spillways, buildings, and other necessary improvements, and for the elimination of the loss of migratory birds from alkali poisoning, oil pollution of waters, or other causes, for cooperation with local authorities in wildlife conservation, for investigations and publications relating to North American birds, for personal services, printing, engraving, and issuance of circulars, posters, and other necessary matter and for the enforcement of the provisions of this Act, there are authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, the following amounts for the fiscal years specified—

\$75,000 for the fiscal year ending June 30, 1930;  
 \$200,000 for the fiscal year ending June 30, 1931;  
 \$600,000 for the fiscal year ending June 30, 1932;  
 \$1,000,000 for the fiscal year ending June 30, 1933;  
 \$1,000,000 for each fiscal year thereafter for a period of six years; and

\$200,000 for the fiscal year ending June 30, 1940, and for each fiscal year thereafter. Not more than 20 per centum of the amounts appropriated pursuant to this authorization for the fiscal year beginning July 1, 1930, and for each fiscal year to and including the fiscal year ending June 30, 1939, shall be expended for personal services in the District of Columbia and elsewhere incident to the administration and maintenance of acquired areas, printing, engraving, and issuance of circulars and posters. No part of any appropriation authorized by this section shall be used for payment of the salary, compensation, or expenses of any United States game protector, except reservation protectors for the administration, maintenance, and protection of such reservations and the birds thereon: *Provided*, That reservation protectors appointed under the provisions of this Act shall be selected, when practicable, from qualified citizens of the State in which they are to be employed. The Secretary of Agriculture is authorized and directed to make such expenditures and to employ such means, including personal services in the District of Columbia and elsewhere, as may be necessary to carry out the foregoing objects. (Feb. 18, 1929, sec. 12, 45 Stat. 1224; 16 U. S. C., sec. 715k.)

**1181. Execution of provisions of act; powers and duties of United States judges, etc.**—That for the efficient execution of this Act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the

Secretary of Agriculture to enforce this Act, shall have, with respect thereto, like powers and duties as are conferred by section 5 of the Migratory Bird Treaty Act (title 16, section 706 of the United States Code) upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the Act last aforesaid. Any bird, or part, nest or egg thereof, taken or possessed contrary to this Act, when seized shall be disposed of as provided by section 5 of said Migratory Bird Treaty Act [16 U. S. C., sec. 706]. (Feb. 18, 1929, sec. 13, 45 Stat. 1225; 16 U. S. C., sec. 715l.)

**1182. Violations; penalty.**—That any person, association, partnership, or corporation who shall violate or fail to comply with any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$500, or be imprisoned not more than six months, or both. (Feb. 18, 1929, sec. 14, 45 Stat. 1225; 16 U. S. C., sec. 715m.)

**1183. Word "take" defined.**—That for the purposes of this Act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires. (Feb. 18, 1929, sec. 15, 45 Stat. 1225; 16 U. S. C., sec. 715n.)

**1184. National forest and power sites; use for migratory bird reservations.**—Nothing in this Act shall be construed as authorizing or empowering the Migratory Bird Conservation Commission herein created, the Secretary of Agriculture, or any other board, commission, or officer, to declare, withdraw, or determine, except heretofore designated, any part of any national forest or power site, a migratory bird reservation under any of the provisions of this Act, except by and with the consent of the legislature of the State wherein such forest or power site is located. (Feb. 18, 1929, sec. 16, 45 Stat. 1225; 16 U. S. C., sec. 715o.)

**1185. Cooperation of State in enforcement of provisions of act.**—That when any State shall, by suitable legislation, make provision adequately to enforce the provisions of this Act and all regulations promulgated thereunder, the Secretary of Agriculture may so certify, and then and thereafter said State may cooperate with the Secretary of Agriculture in the enforcement of this Act and the regulations thereunder. (Feb. 18, 1929, sec. 17, 45 Stat. 1225; 16 U. S. C., sec. 715p.)

**1186. Expenses of Commission; appropriation.**—That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of \$5,000, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission. (Feb. 18, 1929, sec. 18, 45 Stat. 1225; 16 U. S. C., sec. 715q.)

**1187. Partial invalidity of act.**—That if any provision of this Act or the application thereof to any person or circumstances is held invalid the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (Feb. 18, 1929, sec. 19, 45 Stat. 1226; 16 U. S. C., sec. 715r.)

## STATE PARTICIPATION IN REVENUE FROM CERTAIN WILDLIFE REFUGES

**1188. Participation of States in revenue from certain wildlife refuges.**—That 25 per centum of all money received during each fiscal year from the sale or other disposition of surplus wildlife, or of timber, hay, grass, or other spontaneous products of the soil, shell, sand, or gravel, and from other privileges on refuges established under the Migratory Bird Conservation Act of February 18, 1929, or under any other law, proclamation, or Executive order, administered by the Bureau of Biological Survey of the United States Department of Agriculture, shall be paid at the end of such year by the Secretary of the Treasury to the county or counties in which such refuge is situated, to be expended for the benefit of the public schools and roads in the county or counties in which such refuge is situated: *Provided*, That when any such refuge is in more than one State or Territory or county or subdivision, the distributive share to each from the proceeds of such refuge shall be proportional to its area therein: *Provided further*, That the disposition or sale of surplus animals and products, and the grant of privileges on said wildlife refuges may be made upon such terms and conditions as the Secretary of Agriculture shall determine to be for the best interests of government or for the advancement of knowledge and the dissemination of information regarding the conservation of wildlife, including sale in the open market, exchange for animals of the same or other kinds, and gifts or loans to public or private institutions for exhibition or propagation: *And provided further*, That out of any moneys received from the grant, sale, or disposition of such animals, products, or privileges, or as a bonus upon the exchange of such animals the Secretary of Agriculture is authorized to pay any necessary expenses incurred in connection with and for the purpose of effecting the removal, grant, disposition, sale, or exchange of such animals, products, or privileges; and in all cases such expenditures shall be deducted from the gross receipts of the refuge before the Secretary of the Treasury shall distribute the 25 per centum thereof to the States as hereinbefore provided. (June 15, 1935, sec. 401, title IV, Public 148, 74th Cong.)

## EXCHANGE OF GOVERNMENT LANDS FOR PRIVATE LANDS CHIEFLY VALUABLE FOR WILDLIFE REFUGES

**1189. Secretary of Agriculture authorized to accept lands valuable for wildlife refuges, and in exchange therefor convey other lands or permit cutting of timber, etc., therefrom, under laws and regulations.**—That when the public interests will be benefited thereby the Secretary of Agriculture is authorized, in his discretion, to accept on behalf of the United States title to any land which he deems chiefly valuable for wildlife refuges, and in exchange therefor to convey by deed on behalf of the United States an equal value of lands required by him for like purposes, or he may authorize the grantor to cut and remove from such lands an equal value of timber, hay, or other products, or to otherwise use said lands, when compatible with the protection of the wildlife thereon, the values in each case to be determined by said Secretary. Timber or other products so granted shall be cut and removed, and other uses exercised, under the laws and regulations applicable to such refuges and under the direction of the

Secretary of Agriculture and under such supervision and restrictions as he may prescribe. Any lands acquired by the Secretary of Agriculture under the terms of this section shall immediately become a part of the refuge or reservation of which the lands, timber, and other products or uses given in exchange were or are a part and shall be administered under the laws and regulations applicable to such refuge or reservation. (June 15, 1935, sec. 302, title III, Public 148, 74th Cong.)

**1190. Secretary of Interior authorized to acquire lands for refuges in exchange for certain public lands.**—That when the public interests will be benefited thereby the Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States title to any lands which, in the opinion of the Secretary of Agriculture, are chiefly valuable for migratory bird or other wildlife refuges, and in exchange therefor may patent not to exceed an equal value of surveyed or unsurveyed, unappropriated, and unreserved nonmineral public lands of the United States in the same State, the value in each case to be determined by the Secretary of Agriculture. Before any such exchange is effected notice thereof, reciting the lands involved, shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands proposed to be granted by the United States in such exchange. Lands conveyed to the United States under this section shall be held and administered by the Secretary of Agriculture under the terms of section 10 of the aforesaid Migratory Bird Conservation Act of February 18, 1929 [16 U. S. C., sec. 715i], and all the provisions of said section of said Act are hereby extended to and shall be applicable to the lands so acquired. (June 15, 1935, sec. 303, title III, Public 148, 74th Congress.)

**1191. Other law applicable.**—That all the provisions of section 6 of the aforesaid Migratory Bird Conservation Act [16 U. S. C., sec. 715e], as hereby amended, relating to rights-of-way, easements, and reservations shall apply equally to exchanges effected under the provisions of this Act, and in any such exchanges the value of such rights-of-way, easements, and reservations shall be considered in determining the relation of value of the lands received by the United States to that of the land conveyed by the United States. (June 15, 1935, sec. 304, title III, Public 148, 74th Cong.)

#### HUNTING STAMP TAX

**1192. Federal migratory-bird hunting; stamps required for hunting migratory waterfowl; exemptions.**—That no person over sixteen years of age shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting stamp validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, or for propagation, or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of Agriculture for the killing, under such restrictions as the Secretary of Agriculture may by regulation prescribe, of such waterfowl when found injuring crops or other property. Any person to whom

a stamp has been sold under this Act shall upon request exhibit such stamp for inspection to any officer or employee of the Department of Agriculture authorized to enforce the provisions of this Act or to any officer of any State or any political subdivision thereof authorized to enforce game laws. (Mar. 16, 1934, sec. 1, 48 Stat. 451; June 15, 1935, sec. 1, Public 148, 74th Cong., 16 U. S. C., sec. 718a.)

**1193. Stamps to be issued by Post Office Department and attached to game license.**—That the stamps required by this Act shall be issued and sold by the Post Office Department under regulations prescribed by the Postmaster General: *Provided*, That the stamps shall be sold at all post offices of the first- and second-class and at such others as the Postmaster General shall direct. For each such stamp sold under the provisions of this Act there shall be collected by the Post Office Department the sum of \$1. No such stamp shall be valid under any circumstances to authorize the taking of migratory waterfowl except in compliance with Federal and State laws and regulations, and then only when the person so taking such waterfowl shall himself have written his signature in ink across the face of the stamp prior to such taking. Each such stamp shall expire and be void after the 30th day of June next succeeding its issuance, and all such stamps remaining unsold by the Post Office Department at the expiration of said June 30 shall be destroyed by said Department. No stamp sold under this Act shall be redeemable by said Department in cash or in kind. (Mar. 16, 1934, sec. 2, 48 Stat. 451; June 15, 1934, sec. 2, Public 148, 74th Cong., 16 U. S. C., sec. 718b.)

**1194. Limitations of act.**—Nothing in this Act shall be construed to authorize any person to take any migratory waterfowl otherwise than in accordance with regulations adopted and approved pursuant to any treaty heretofore or hereafter entered into between the United States and any other country for the protection of migratory birds, nor to exempt any person from complying with the game laws of the several States. (Mar. 16, 1934, sec. 3, 48 Stat. 451; 16 U. S. C., sec. 718c.)

**1195. Disposition of moneys received.**—All moneys received for such stamps shall be accounted for by the Post Office Department and paid into the Treasury of the United States, and shall be reserved and set aside as a special fund to be known as the migratory bird conservation fund, to be administered by the Secretary of Agriculture. All moneys received into such fund are hereby appropriated for the following objects and shall be available therefor until expended:

(a) Not less than 90 per centum shall be available for the location, ascertainment, acquisition, administration, maintenance, and development of suitable areas for inviolate migratory-bird sanctuaries, under the provisions of the Migratory Bird Conservation Act [16 U. S. C., secs. 715-715n], to be expended for such purposes in all respects as moneys appropriated pursuant to the provisions of such Act: for the administration, maintenance, and development of other refuges under the administration of the Secretary of Agriculture, frequented by migratory game birds; and for such investigations on such refuges and elsewhere in regard to migratory waterfowl as the Secretary of Agriculture may deem essential for the highest utilization of the refuges and for the protection and increase of these birds.

(b) The remainder shall be available for expenses in executing this Act, the Migratory Bird Conservation Act [16 U. S. C., secs. 715-715r], the Migratory Bird Treaty Act [16 U. S. C., secs. 703-711], and any other Act to carry into effect any treaty for the protection of migratory birds, including personal services in the District of Columbia and elsewhere, and also including advance allotments to be made by the Secretary of Agriculture to the Post Office Department at such times and in such amounts as may be mutually agreed upon by the Secretary of Agriculture and the Postmaster General for direct expenditure by the Post Office Department for engraving, printing, issuing, selling, and accounting for migratory bird hunting stamps and moneys received from the sale thereof, personal services in the District of Columbia and elsewhere, and for such other expenses as may be necessary in executing the duties and functions required of the Postal Service by this Act: *Provided*, That the protection of said inviolate migratory-bird sanctuaries shall be, so far as possible, under section 17 of the Migratory Bird Conservation Act of February 18, 1929 [16 U. S. C., sec. 715p]. (Mar. 16, 1934, sec. 4, 48 Stat. 451; June 15, 1935, secs. 3, 4, Public 148, 74th Cong.; 16 U. S. C., sec. 718d.)

**1196. Altering or imitating stamps or imitating die plate, or engraving made unlawful.**—(a) That no person to whom has been sold a migratory-bird hunting stamp, validated as provided in section 1 of this Act [16 U. S. C., sec. 718a], shall loan or transfer such stamp to any person during the period of its validity; nor shall any person other than the person validating such stamp use it for any purpose during such period.

(b) That no person shall alter, mutilate, imitate, or counterfeit any stamp authorized by this Act, or imitate or counterfeit any die, plate, or engraving therefor, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, die, plate, or engraving. (Mar. 16, 1934, sec. 5, 48 Stat. 452; June 15, 1935, sec. 5, Public 148, 74th Cong., 16 U. S. C., sec. 718e.)

**1197. Persons authorized to enforce provisions of act.**—For the efficient execution of this Act, the judges of the several courts, established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce the provisions of this Act, shall have, with respect thereto, like powers and duties as are conferred upon said judges, commissioners, and employees of the Department of Agriculture by the Migratory Bird Treaty Act [16 U. S. C., secs. 703-711] or any other Act to carry into effect any treaty for the protection of migratory birds with respect to that Act. Any bird or part thereof taken or possessed contrary to such Acts shall, when seized, be disposed of as provided by the Migratory Bird Treaty Act, or Acts aforesaid. (Mar. 16, 1934, sec. 6, 48 Stat. 452; 16 U. S. C., sec. 718f.)

**1198. Penalty for violation of act.**—Any person who shall violate any provision of this Act or who shall violate or fail to comply with any regulation made pursuant thereto shall be subject to the penalties provided in section 6 of the Migratory Bird Treaty Act [16 U. S. C., sec. 707]. (Mar. 16, 1934, sec. 7, 48 Stat. 452; 16 U. S. C., sec. 718g.)

**1199. Cooperation with States and Territories.**—The Secretary of Agriculture is authorized to cooperate with the several States and

Territories in the enforcement of the provisions of this Act. (Mar. 16, 1934, sec. 8, 48 Stat. 452; 16 U. S. C., sec. 718h.)

**1200. Definitions.**—(a) Terms defined in the Migratory Bird Treaty Act [16 U. S. C., secs. 703-711], or the Migratory Bird Conservation Act [16 U. S. C., secs. 715-715r], shall, when used in this Act, have the meaning assigned to such terms in such Acts, respectively.

(b) As used in this Act (1) the term "migratory waterfowl" means the species enumerated in paragraph (a) of subdivision 1 of article I of the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916; (2) the term "State" includes the several States and Territories of the United States and the District of Columbia; and (3) the term "take" means pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill. (Mar. 16, 1934, sec. 9, 16 U. S. C., sec. 718.)

#### UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

**1201. Upper Mississippi River Wildlife and Fish Refuge; citation.**—That this Act may be cited as "The Upper Mississippi River Wild Life and Fish Refuge Act." (June 7, 1924, sec. 1, 43 Stat. 650; 16 U. S. C., sec. 721.)

**1202. Same; acquisition of land and water for.**—The Secretary of Agriculture is authorized to acquire, by purchase, gift, or lease, such areas of land, or of land and water, situated between Rock Island, Illinois, and Wabasha, Minnesota, on either side of or upon islands in the Mississippi River which are not used for agricultural purposes, as he determines suitable for the purposes of this Act. (June 7, 1924, sec. 2, 43 Stat. 650; June 18, 1934, 48 Stat. 1015; 16 U. S. C., sec. 722.)

**1203. Same; purposes; regulations.**—Any such area, when acquired in accordance with the provisions of this Act, shall become a part of the Upper Mississippi River Wild Life and Fish Refuge (hereinafter in this Act referred to as the "refuge"). The refuge shall be established and maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of Agriculture may by regulations prescribe, as a refuge and breeding place for other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of Commerce may by regulations prescribe as a refuge and breeding place for fish and other aquatic animal life. (June 7, 1924, sec. 3, 43 Stat. 650; 16 U. S. C., sec. 723.)

**1204. Same; consent of States to acquisition; existing rights-of-way.**—(a) No such area shall be acquired by the Secretary of Agriculture until the legislature of each State in which is situated any part of the areas to be acquired under this Act has consented to the acquisition of such part by the United States for the purposes of this Act, and, except in the case of a lease, no payment shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General and is vested in the United States.

(b) The existence of a right-of-way, easement, or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of Agriculture determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this Act, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this Act. (June 7, 1924, sec. 4, 43 Stat. 650; 16 U. S. C., sec. 724.)

**1205. Same; joint regulations.**—Except where it is specifically provided otherwise, the Secretary of Agriculture and the Secretary of Commerce shall jointly prescribe such regulations, exercise such functions, and perform such duties as may be necessary to carry out the purposes of this Act. (June 7, 1924, sec. 5, 43 Stat. 651; 16 U. S. C., sec. 725.)

**1206. Same; acts prohibited in refuge.**—No person shall, except in accordance with regulations prescribed by the Secretary of Agriculture in respect of wild birds, game animals, fur-bearing animals, wild flowers, and aquatic plants, or by the Secretary of Commerce in respect of fish and other aquatic-animal life—

(a) Enter the refuge for any purpose; or

(b) Disturb, injure, kill, or remove, or attempt to disturb, injure, kill, or remove any wild bird, game animal, fur-bearing animal, fish or other aquatic-animal life on the refuge; or

(c) Remove from the refuge, or injure or destroy thereon any flower, plant, tree, or other natural growth, or the nest or egg of any wild bird; or

(d) Injure or destroy any notice, sign board, fence, building, or other property of the United States thereon. (June 7, 1924, sec. 6, 43 Stat. 651; 16 U. S. C., sec. 726.)

**1207. Commercial fishing.**—Commercial fishing may be conducted in the waters of this refuge under regulation by the Secretary of Commerce. (June 7, 1924, sec. 7, 43 Stat. 651; 16 U. S. C., sec. 726.)

**1208. Same; powers of employees of Departments of Agriculture and Commerce; searches and seizures.**—(a) Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this Act, and any employee of the Department of Commerce so authorized by the Secretary of Commerce (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or of any regulation made pursuant to this Act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto, and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction to make a search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds, animals, fish, or parts thereof captured, injured, or killed, and all flowers, plants, trees, and other natural growths, and nests and eggs of birds removed, and all implements or paraphernalia, including guns, fishing equipment, and boats used or attempted to be used contrary to the provisions of this Act or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Agriculture and the Secretary of Commerce may jointly by regulation prescribe.

(c) A report of the seizure shall be made to the United States attorney for the judicial district in which the seizure is made, for forfeiture either (1) upon conviction of the offender under section 11 [16 U. S. C., sec. 730], or (2) by proceedings by libel in rem. Such libel proceedings shall conform as near as may be to civil suits in admiralty, except that either party may demand trial by jury upon any issue of fact when the value in controversy exceeds \$20. In case of a jury trial the verdict of the jury shall have the same effect as the finding of the court upon the facts. Libel proceedings shall be at the suit and in the name of the United States. If such forfeiture proceedings are not instituted within a reasonable time, the United States attorney shall give notice thereof, and the custodian shall thereupon release the articles seized. (June 7, 1924, sec. 8, 43 Stat. 651; 16 U. S. C., sec 727.)

**1209. Same; expenditures.**—(a) The Secretary of Agriculture and the Secretary of Commerce are authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including expenditures for personal services at the seat of government and elsewhere, as may be necessary to execute the functions imposed upon them by this Act and as may be provided for by Congress from time to time.

(b) For such expenditures there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, to be available until expended, \$25,000 of such sum to be available for expenditure by the Secretary of Agriculture and \$25,000 by the Secretary of Commerce. (June 7, 1924, sec. 9, 43 Stat. 651; 16 U. S. C., sec. 728.)

**1210. Same; price per acre.**—There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and to be available until expended, the sum of \$1,500,000, or so much thereof as may be necessary for the acquisition of any areas authorized by this Act to be acquired for such refuge and for all necessary expense incident to the acquisition of such areas: *Provided*, That the Secretary of Agriculture shall not pay for any land or land and water a price which shall exceed an average cost of \$10 per acre: *Provided further*, That this provision shall not apply to any land or land and water heretofore acquired or contracted for under the provisions of this Act. (June 7, 1924, sec. 10, 43 Stat. 651; Mar. 4, 1925, 43 Stat. 1354; May 12, 1928, 45 Stat. 502; 16 U. S. C., sec. 729.)

**1211. Same; violations of law or regulations.**—Any person who shall violate or fail to comply with any provision of or any regulation made pursuant to this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or be

imprisoned not more than six months, or both. (June 7, 1924, sec. 11, 43 Stat. 652; 16 U. S. C., sec. 730.)

**1212. Person defined.**—As used in this Act the term "person" includes an individual, partnership, association, or corporation. (June 7, 1924, sec. 12, 43 Stat. 652; 16 U. S. C., sec. 721.)

**1213. Same; effect on other laws.**—Nothing in this Act shall be construed as exempting any portion of the Mississippi River from the provisions of Federal laws for the improvement, preservation, and protection of navigable waters, nor as authorizing any interference with the operations of the War Department in carrying out any project now or hereafter adopted for the improvement of said river. (June 7, 1924, sec. 13, 43 Stat. 652; 16 U. S. C., sec. 731.)

**1214. Upper Mississippi River wildlife and fish refuge; price per acre for certain lands.**—The Secretary of Agriculture is authorized to purchase 763.70 acres of land, contracted for prior to May 12, 1928, at an average cost of \$7 per acre, notwithstanding the limitation of average cost per acre contained in section 10 of the Act approved June 7, 1924 (U. S. C., title 16, sec. 729). (July 3, 1930, 46 Stat. 871.)

**1215. Acceptance of title to land to become part of Mississippi River refuge.**—That the Secretary of Agriculture be, and hereby is, authorized to accept on behalf of the United States from James B. Munn, of New York City, New York, a gift of certain lands in Clayton County, Iowa, described as Government lot 1, section 23, township 94 north, range 3 west, fifth principal meridian, fifty-eight and fifty-one-hundredths acres; north half Government lot 2, section 23, township 94 north, range 3 west, fifth principal meridian, twenty-four and thirty one-hundredths acres; part of Government lot 1, section 11, township 94 north, range 3 west, fifth principal meridian, eleven acres; Government lot 4, section 11, township 94 north, range 3 west, fifth principal meridian, forty-five and forty-five one-hundredths acres; Government lot 3, section 35, township 95 north, range 3 west, fifth principal meridian, sixty-eight and forty one-hundredths acres; Government lot 4, section 35, township 95 north, range 3 west, fifth principal meridian, thirty-five acres; south part Government lot 2, section 35, township 95 north, range 3 west, fifth principal meridian, twenty-eight acres; part of north half, section 27, township 95 north, range 3 west, fifth principal meridian, one hundred and thirty-six and seventy-six one-hundredths acres; part of southwest quarter, section 22, township 95 north, range 3 west, fifth principal meridian, forty-nine acres; part of east half, section 22, township 95 north, range 3 west, fifth principal meridian, thirty-one and fifty-nine one-hundredths acres. Total area, four hundred and eighty-eight acres, including all the buildings and improvements thereon and all rights, easements, and appurtenances thereunto appertaining; and upon acceptance of said lands by the Secretary of Agriculture they shall become a part of the upper Mississippi River wildlife and fish refuge established pursuant to the authority contained in the Upper Mississippi River Wild Life and Fish Refuge Act approved June 7, 1924 [16 U. S. C., ch. 8]. (Apr. 10, 1928, 45 Stat. 420.)

#### BUREAU OF FISHERIES

**1216. Heads of departments to aid Commissioner of Fish and Fisheries.**—The heads of the several Executive Departments shall cause to be rendered all necessary and practicable aid to the commissioner of

Fish and Fisheries in the prosecution of his investigations and inquiries. (R. S. sec. 4397; 16 U. S. C., sec. 744.)

#### FEDERAL POWER COMMISSION

**1217.** Detail of officers and employees from other departments.—The commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, in field work outside the seat of government, their duties to be prescribed by the commission; and such detail is hereby authorized. The President may also, at the request of the commission, detail, assign, or transfer to the commission engineers in or under the Departments of the Interior or Agriculture for field work outside the seat of government under the direction of the commission. (June 10, 1920, sec. 2, 41 Stat. 1063; June 23, 1930, sec. 1, 46 Stat. 798; 16 U. S. C., sec. 793.)

**1218.** Definitions; public lands, reservations.—The words defined in this section shall have the following meanings for purposes of this Act, to wit:

(1) "public lands" means such lands and interest in lands owned by the United States as are subject to private appropriation and disposal under public land laws. It shall not include "reservations", as hereinafter defined;

(2) "reservations" means national forests, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in lands owned by the United States, and withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws; also lands and interests in lands acquired and held for any public purposes; but shall not include national monuments or national parks; \* \* \*. (June 10, 1920, sec. 3, 41 Stat. 1063; Aug. 26, 1935, title II, sec. 201, Public 333, 74th Cong.; 16 U. S. C., sec. 796.)

**1219.** General powers of Commission.—The Commission is hereby authorized and empowered—

(a) To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water-power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relation to markets of power sites, and whether the power from Government dams can be advantageously used by the United States for its public purposes, and what is a fair value of such power, to the extent the Commission may deem necessary or useful for the purposes of this Act.

(b) To determine the actual legitimate original cost of and the net investment in a licensed project, and to aid the Commission in such determinations, each licensee shall, upon oath, within a reasonable period of time to be fixed by the Commission, after the construction of the original project or any addition thereto or betterment thereof, file with the Commission in such detail as the Commission may require, a statement in duplicate showing the actual legitimate original cost of construction of such project, addition, or betterment, and of the price paid for water rights, rights-of-way, lands, or interest in lands. The licensee shall grant to the Commission or to its duly authorized agent or agents, at all reasonable times, free access

to such project, addition, or betterment, and to all maps, profiles, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating thereto. The statement of actual legitimate original cost of said project, and revisions thereof as determined by the Commission, shall be filed with the Secretary of the Treasury.

(c) To cooperate with the executive departments and other agencies of State or National Governments in such investigations; and for such purpose the several departments and agencies of the National Government are authorized and directed upon the request of the Commission to furnish such records, papers, and information in their possession as may be requested by the Commission, and temporarily to detail to the Commission such officers or experts as may be necessary in such investigations \* \* \*. (June 10, 1920, sec. 4, 41 Stat. 1065; Mar. 3, 1921, 41 Stat. 1353; Aug. 26, 1935, title II, sec. 202, Public 333, 74th Cong.; 16 U. S. C., sec. 797.)

### COPYRIGHTS

**1220.** Copyright not to subsist in works in public domain or in Government publications; publication by Government of copyrighted material.—That no copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to the going into effect of this Act and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided, however,* That the publication or republication by the Government, either separately or in a public document of any material in which copyright is subsisting shall not be taken to cause any abridgement or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor. (Mar. 4, 1909, secs. 7, 65, 35 Stat. 1077; 17 U. S. C., sec. 7.)

### CRIMINAL CODE AND CRIMINAL PROCEDURE

#### OFFENSES AGAINST ELECTIVE FRANCHISE AND CIVIL RIGHTS OF CITIZENS

**1221.** Conspiring to prevent officer from performing duties.—If two or more persons in any State, Territory, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, Territory, District, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than five thousand dollars, or imprisoned not more than six years, or both. (Mar. 4, 1909, sec. 21, 35 Stat. 1092; 18 U. S. C., sec. 54.)

#### OFFENSES AGAINST OPERATION OF GOVERNMENT

**1222.** Making, forging bonds, bids, public records, etc.; transmitting such papers; punishment.—Whoever shall falsely make, alter, forge, or

counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be fined not more than one thousand dollars, or imprisoned not more than ten years, or both. (Mar. 4, 1909, sec. 28, 35 Stat. 1094; 18 U. S. C., sec. 72.)

**1223. Making, forging deeds, powers of attorney; transmitting forged, etc., papers.**—Whosoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or whoever shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or whoever shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, contract, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be fined not more than one thousand dollars and imprisoned not more than ten years. (Mar. 4, 1909, sec. 29, 35 Stat. 1094; 18 U. S. C., sec. 73.)

**1224. Possession of false papers.**—Whoever, knowingly and with intent to defraud the United States, shall have in his possession any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of enabling another to obtain from the United States, or from any officer or agent thereof, any sum of money, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both. (Mar. 4, 1909, sec. 30, 35 Stat. 1094; 18 U. S. C., sec. 74.)

**1225. Officer making false acknowledgments.**—Whoever, being an officer authorized to administer oaths or to take and certify acknowled-

edgments, shall knowingly make any false acknowledgment, certificate, or statement concerning the appearance before him or the taking of an oath or affirmation by any person with respect to any proposal, contract, bond, undertaking, or other matter, submitted to, made with, or taken on behalf of, the United States, and concerning which an oath or affirmation is required by law or regulation made in pursuance of law, or with respect to the financial standing of any principal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both. (Mar. 4, 1909, sec. 31, 35 Stat. 1094; 18 U. S. C., sec. 75.)

**1226. Falsely pretending to be United States officer.**—Whoever, with intent to defraud either the United States or any person, shall falsely assume or pretend to be an officer or employee acting under the authority of the United States, or any Department, or any officer of the Government thereof, and shall take upon himself to act as such, or shall in such pretended character demand or obtain from any person or from the United States, or any Department, or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both. (Mar. 4, 1909, sec. 32, 35 Stat. 1095; 18 U. S. C., sec. 76.)

**1227. Illegal possession of official badge.**—That hereafter the manufacture, sale, or possession of any badge, identification card, or other insignia, of the design prescribed by the head of any department or independent office of the United States for use by any officer or subordinate thereof, or of any colorable imitation thereof, is prohibited, except when and as authorized under such regulations as may be prescribed by the head of the department or independent office of which such insignia indicates the wearer is an officer or subordinate. (June 29, 1932, sec. 1, 47 Stat. 342; 18 U. S. C., sec. 76a.)

**1228. Punishment.**—Any person who offends against the provisions of this act [18 U. S. C., secs. 76a, 76b] shall, upon conviction, be punished by a fine not exceeding \$250 or by imprisonment for not exceeding six months, or by both such fine and imprisonment. (June 29, 1932, sec. 2, 47 Stat. 342; 18 U. S. C., sec. 76b.)

**1229. False personation of holder of public stocks or pensioner.**—Whoever shall falsely personate any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize money, wages, or other debt due from the United States, and, under color of such false personation, shall transfer or endeavor to transfer such public stock or any part thereof, or shall receive or endeavor to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize money, wages, or other debt, shall be fined not more than five thousand dollars and imprisoned not more than ten years. (Mar. 4, 1909, sec. 33, 35 Stat. 1095; 18 U. S. C., sec. 78.)

**1230. False demand on fraudulent power of attorney.**—Whoever shall knowingly or fraudulently demand or endeavor to obtain any share or sum in the public stocks of the United States, or to have any

part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize money, wages, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeit power of attorney, authority, or instrument, shall be fined not more than five thousand dollars and imprisoned not more than ten years. (Mar. 4, 1909, sec. 34, 35 Stat. 1095; 18 U. S. C., sec. 79.)

**1231. False claims against United States; stealing or injuring Government property; conspiracy to defraud Government; embezzlement of military or naval property; false voucher of military property.**—Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall take and carry away or take for his own use, or for the use of another, with intent to steal or purloin, or shall willfully injure or commit any depredation against, any property of the United States, or any branch or department thereof, or any corporation in which the United States of America is a stockholder, or any property which has been or is being made, manufactured, or constructed under contract for the War or Navy Departments of the United States; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; and whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, or willfully to conceal such money or other property, shall deliver or cause to be delivered to any person having authority to receive the same any amount of such money or other property less than that for which he received a certificate or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein and with intent to defraud the United States, or any department thereof, or any corporation in which the United States

of America is a stockholder, shall be fined not more than \$10,000 or imprisoned not more than ten years or both. \* \* \* (Mar. 4, 1909, sec. 35, 35 Stat. 1095; Oct. 23, 1918, 40 Stat. 1015; June 18, 1934, 48 Stat. 996; 18 U. S. C., secs. 80, 82-85.)

**1232. Conspiring to commit offense against the United States.**—If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars, or imprisoned not more than two years, or both. (Mar. 4, 1909, sec. 37, 35 Stat. 1096; 18 U. S. C., sec. 88.)

**1233. Bribery of United States officer.**—Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and imprisoned not more than three years. (Mar. 4, 1909, sec. 39, 35 Stat. 1096; 18 U. S. C., sec. 91.)

**1234. Unlawfully taking or using papers relating to claims.**—Whoever shall take and carry away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part therof, has or has not already been allowed or paid; or whoever shall present, use, or attempt to use, any such document, record, file, or paper so taken and carried away, in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against

the United States, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. (Mar. 4, 1909, sec. 40, 35 Stat. 1096; 18 U. S. C., sec. 92.)

**1235. Interested persons acting as Government agents.**—No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than two thousand dollars and imprisoned not more than two years. (Mar. 4, 1909, sec. 41, 35 Stat. 1097; 18 U. S. C., sec. 93.)

**1236. Robbery of personal property of United States.**—Whoever shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. (Mar. 4, 1909, sec. 46, 35 Stat. 1097; 18 U. S. C., sec. 99.)

**1237. Embezzling public moneys or other property.**—Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. (Mar. 4, 1909, sec. 47, 35 Stat. 1097; 18 U. S. C., sec. 100.)

**1238. Receiving stolen public money or property.**—Whoever shall receive, conceal, or aid in concealing, or have, or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both; and such person may be tried either before or after the conviction of the principal offender. (Mar. 4, 1909, sec. 48, 35 Stat. 1098; 18 U. S. C., sec. 101.)

**1239. Stealing, destroying, etc., books in libraries.**—That any person who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, or manuscript, or any portion thereof, belonging to the Library of Congress, or to any public library in the District of Columbia, whether the property of the United States or of any individual or corporation in said District, or who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, document, manuscript, print, engraving, medal, newspaper, or work of art, the property of the United States, shall be held guilty of a misdemeanor, and, on conviction thereof, shall, when the offense is not otherwise punishable by some statute of the United States, be punished by a fine of not less than ten dollars nor more than one thousand dollars, and by imprisonment for not less than one nor more than twelve months, or both, for every such offense. (June 19, 1878, 20 Stat. 171; 18 U. S. C., sec. 102.)

**1240. Timber depredations on public lands; entrymen.**—Whoever shall cut, or cause or procure to be cut, or shall wantonly destroy, or cause to be wantonly destroyed, any timber growing on the public lands of the United States; or whoever shall remove, or cause to be removed, any timber from said public lands, with intent to export or to dispose of the same; or whoever, being the owner, master, or consignee of any vessel, or the owner, director, or agent of any railroad, shall knowingly transport any timber so cut or removed from said lands, or lumber manufactured therefrom, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. Nothing in this section shall prevent any miner or agriculturalist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States. And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands. (Mar. 4, 1909, sec. 49, 35 Stat. 1098; 18 U. S. C., sec. 103.)

**1241. Same; Indian lands, trust allotments.**—Whoever shall unlawfully cut, or aid in unlawfully cutting, or shall wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. (Mar. 4, 1909, sec. 50, 35 Stat. 1098; June 25, 1910, sec. 6, 36 Stat. 857; 18 U. S. C., sec. 104.)

**1242. Boxing trees for turpentine.**—Whoever shall cut, chip, chop, or box any tree upon any lands belonging to the United States, or upon any lands covered by or embraced in any unperfected settlement, application, filing, entry, selection, or location, made under any law of the United States, for the purpose of obtaining from such tree any pitch, turpentine, or other substance, or shall knowingly encourage, cause, procure, or aid in the cutting, chipping, chopping, or boxing of any such tree, or shall buy, trade for, or in any manner acquire any pitch, turpentine, or other substance, or any article or commodity made from any such pitch, turpentine, or other substance when he has knowledge that the same has been so unlawfully obtained from such trees, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. (Mar. 4, 1909, sec. 51, 35 Stat. 1098; 18 U. S. C., sec. 105.)

**1243. Setting fire to timber on public domain.**—Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both. (Mar. 4, 1909, sec. 52, 35 Stat. 1098; 18 U. S. C., sec. 106.)

**1244. Failing to extinguish fires.**—Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. (Mar. 4, 1909, sec. 53, 35 Stat. 1098; June 25, 1910, sec. 6, 36 Stat. 857; 18 U. S. C., sec. 107.)

**1245. Trespassing on Bull Run National Forest, Oreg.**—Whoever, except forest rangers and other persons employed by the United States to protect the forest, federal and state officers in the discharge of their duties, and the employees of the water board of the city of Portland, State of Oregon, shall knowingly trespass upon any part of the reserve known as Bull Run National Forest, in the Cascade Mountains, in the State of Oregon, or shall enter thereon for the purpose of grazing stock, or shall engage in grazing stock thereon, or shall permit stock of any kind to graze thereon, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. (Mar. 4, 1909, sec. 55, 35 Stat. 1099; 18 U. S. C., sec. 109.)

**1246. Breaking fences driving cattle on inclosed public lands.**—Whoever shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States which, in pursuance of any law, have been reserved or purchased by the United States for any public use; or whoever shall drive any cattle, horses, hogs, or other livestock upon any such lands for the purpose of destroying the grass or trees on said lands, or where they may destroy the said grass or trees; or whoever shall knowingly permit his cattle, horses, hogs, or other livestock to enter through any such inclosure upon any such lands of the United States, where such cattle, horses, hogs, or other livestock may or can destroy the grass or trees or other property of the United States on the said lands, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both: *Provided*, That nothing in this section shall be construed to apply to unreserved public lands. (Mar. 4, 1909, sec. 56, 35 Stat. 1099; 18 U. S. C., sec. 110.)

**1247. Injuring or removing survey marks.**—Whoever shall willfully destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or shall willfully cut down any witness tree or any tree blazed to mark the line of a Government survey, or shall willfully deface, change, or remove any monument or bench mark of any Government survey, shall be fined not more than two hundred and fifty dollars, or imprisoned not more than six months, or both. (Mar. 4, 1909, sec. 57, 35 Stat. 1099; 18 U. S. C., sec. 111.)

**1248. Injuries to United States telegraph lines.**—Whoever shall willfully or maliciously injure or destroy any of the works, property, or material of any telegraph, telephone, or cable line, or system, operated or controlled by the United States, whether constructed or

in process of construction, or shall willfully or maliciously interfere in any way with the working or use of any such line, or system, or shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such line, or system, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both. (Mar. 4, 1909, sec. 60, 35 Stat. 1099; 18 U. S. C., sec. 116.)

**1249. Counterfeiting weather forecasts.**—Whoever shall knowingly issue or publish any counterfeit weather forecast or warning of weather conditions falsely representing such forecast or warning to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the Government service, shall be fined not more than five hundred dollars, or imprisoned not more than ninety days, or both. (Mar. 4, 1909, sec. 61, 35 Stat. 1099; 18 U. S. C., sec. 117.)

**1250. Molesting employees of Bureau of Animal Industry; using deadly weapon.**—Whoever shall forcibly assault, resist, oppose, prevent, impede, or interfere with any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, or on account of the execution of his duties, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both; and whoever shall use any deadly or dangerous weapon in resisting any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duties, or on account of the performance of his duties, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. (Mar. 4, 1909, sec. 62, 35 Stat. 1100; 18 U. S. C., sec. 118.)

**1251. Counterfeiting Government seal; fraudulently or wrongfully affixing seal of executive departments to certificate or instrument.**—Whoever shall fraudulently or wrongfully affix or impress the seal of any executive department, or of any bureau, commission, or office of the United States, to or upon any certificate, instrument, commission, document, or paper of any description; or whoever, with knowledge of its fraudulent character, shall with wrongful or fraudulent intent use, buy, procure, sell, or transfer to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than \$5,000 or imprisoned not more than five years, or both. (June 15, 1917, sec. 1, 40 Stat. 227; 18 U. S. C., sec. 130.)

**1252. Falsely making or forging seal of executive department.**—Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be made, forged, counterfeited, mutilated, or altered, or shall willingly assist in falsely making, forging, counterfeiting, mutilating, or altering the seal of any executive department, or any bureau, commission, or office of the United States, or whoever shall knowingly use, affix, or impress any such fraudulently made, forged, counterfeited, mutilated, or altered seal to or upon any certificate, instrument, commission, document, or paper, of any description, or whoever with wrongful or fraudulent intent shall have possession of any such falsely made, forged, counterfeited, mutilated, or altered seal, knowing the same to have been so

falsely made, forged, counterfeited, mutilated, or altered, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both. (June 15, 1917, sec. 2, 40 Stat. 228; 18 U. S. C., sec. 131.)

**1253.** Making or forging official passes and permits.—Whoever shall falsely make, forge, counterfeit, alter, or tamper with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with wrongful or fraudulent intent shall use or have in his possession any such pass or permit, or shall personate or falsely represent himself to be or not to be a person to whom such pass or permit has been duly issued, or shall willfully allow any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than \$2,000 or imprisoned not more than five years, or both. (June 15, 1917, sec. 3, 40 Stat. 228; 18 U. S. C., sec. 132.)

**1254.** Hunting or taking eggs on bird breeding grounds.—Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall wilfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than six months, or both. (June 28, 1906, 34 Stat. 537; Mar. 4, 1909, sec. 84, 35 Stat. 1104; Apr. 15, 1924, 43 Stat. 98; 18 U. S. C., sec. 145.)

**1255.** Counterfeiting, altering, or uttering Government transportation requests.—That whoever shall falsely make, forge, or counterfeit or cause or procure to be falsely made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting, in whole or in part, any form or request in similitude of the form or request provided by the Government for requesting a common carrier to furnish transportation on account of the United States or any department or branch thereof, or shall knowingly alter, or cause or procure to be altered, or shall willingly aid or assist in so altering, any form or request provided by the Government for requesting a common carrier to furnish transportation on account of the United States or any department or branch thereof, or whoever shall knowingly pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, any such false, forged, counterfeited, or altered form or request, shall upon conviction be fined not more than \$5,000, or imprisoned not more than ten years, or both. (Dec. 11, 1926, sec. 1, 44 Stat. 917; 18 U. S. C., sec. 146.)

**1256.** Same; possession of plates and use thereof; printing.—That whoever, except by lawful authority, shall have control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed or may be printed any form or request for Government transportation, or shall use such plate, stone, or other thing, or knowingly permit or suffer the same to be used in making any such form or request or any part of such a form or request, or whoever shall make or engrave, or cause or procure to be made or engraved, or shall assist in making or engraving, any plate, stone, or other thing, in the likeness of any plate, stone, or

other thing designated for the printing of the genuine issues of the form or request for Government transportation; or whoever shall print, photograph, or in any other manner make, execute, or sell, or cause to be printed, photographed, made, executed, or sold, or shall aid in printing, photographing, making, executing, or selling, any engraving, photograph, print, or impression in the likeness of any genuine form or request for Government transportation, or any part thereof; or whoever shall bring into the United States or any place subject to the jurisdiction thereof, any plate, stone, or other thing, or engraving, photograph, print, or other impression of the form or request for Government transportation, shall upon conviction be fined not more than \$5,000, or imprisoned not more than ten years, or both. (Dec. 11, 1926, sec. 2, 44 Stat. 918; 18 U. S. C., sec. 147.)

**1257. Same; Secret Service.**—The Secretary of the Treasury is hereby authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into custody of the United States marshal having jurisdiction any person or persons violating any of the provisions of this Act [18 U. S. C., secs. 146–148]. (Dec. 11, 1926, sec. 3, 44 Stat. 918; 18 U. S. C., sec. 148.)

**1258. Payments made for influence exerted in procuring appointive public office prohibited.**—That it shall be unlawful to pay or offer or promise to pay any sum of money, or any other thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence, whatsoever, to procure any appointive office under the Government of the United States for any person whatsoever. (Dec. 11, 1926, sec. 1, 44 Stat. 918; 18 U. S. C.; sec. 149.)

**1259. Payments received for influence exerted in obtaining appointive public office prohibited.**—It shall be unlawful to solicit or receive from anyone whatsoever, either as a political contribution, or for personal emolument, any sum of money or thing of value, whatsoever, in consideration of the promise of support, or use of influence, or for the support or influence of the payee, in behalf of the person paying the money, or any other person, in obtaining any appointive office under the Government of the United States. (Dec. 11, 1926, sec. 2, 44 Stat. 918; 18 U. S. C., sec. 150.)

**1260. Punishment for violating provisions of act.**—Anyone convicted of violating this Act [18 U. S. C., secs. 149–151] shall be punished by imprisonment of not more than one year, or by a fine of not more than \$1,000, or by both such fine and imprisonment. (Dec. 11, 1926, sec. 3, 44 Stat. 918; 18 U. S. C., sec. 151.)

#### OFFENSES RELATING TO OFFICIAL DUTIES

**1261. Extortion by officers, clerks, etc., of United States.**—Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, is guilty of extortion, and every person who shall attempt any act which if performed would make him guilty of extortion, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. (Mar. 4, 1909, sec. 85, 35 Stat. 1104; 18 U. S. C., sec. 171.)

**1262. Receipting for larger sums than are paid.**—Whoever being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, shall pay to any clerk or other employee of the United States a sum less than that provided by law, and require such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined in double the amount so withheld from any employee of the Government and imprisoned not more than two years. (Mar. 4, 1909, sec. 86, 35 Stat. 1105; 18 U. S. C., sec. 172.)

**1263. Disbursing officers unlawfully using public money.**—Whoever, being a disbursing officer of the United States, or a person acting as such, shall in any manner convert to his own use, or loan with or without interest, or deposit in any place or in any manner, except as authorized by law, any public money intrusted to him; or shall, for any purpose not prescribed by law, withdraw from the Treasurer or any authorized depositary, or transfer, or apply, any portion of the public money intrusted to him, shall be deemed guilty of an embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both. (Mar. 4, 1909, sec. 87, 35 Stat. 1105; May 29, 1920, 41 Stat. 654; 18 U. S. C., sec. 173.)

**1264. Unlawful use of public moneys by custodians.**—Every officer or other person charged by any Act of Congress with the safe-keeping of the public moneys, who shall loan, use, or convert to his own use, or shall deposit in any bank or exchange for other funds, except as specially allowed by law, any portion of the public moneys intrusted to him for safe-keeping, shall be guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged, and shall be fined in a sum equal to the amount of money so embezzled, and imprisoned not more than ten years. (Mar. 4, 1909, sec. 89, 35 Stat. 1105; 18 U. S. C., sec. 175.)

**1265. Failure to render accounts.**—Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled and imprisoned not more than ten years. (Mar. 4, 1909, sec. 90, 35 Stat. 1105; 18 U. S. C., sec. 176.)

**1266. Failure to deposit as required.**—Whoever, having money of the United States in his possession or under his control, shall fail to deposit it with the Treasurer or some public depositary of the United States, when required so to do by the Secretary of the Treasury, or the head of any other proper department, or by the General Accounting Office, shall be deemed guilty of embezzlement thereof, and shall be fined in a sum equal to the amount of money embezzled and imprisoned not more than ten years. (Mar. 4, 1909, sec. 91, 35 Stat. 1105; May 29, 1920, sec. 1, 41 Stat. 654; June 10, 1921, sec. 304, 42 Stat. 24; 18 U. S. C., sec. 177.)

**1267. Persons affected.**—The provisions of the five preceding sections [31 U. S. C., sec. 173-177] shall be construed to apply to all persons charged with the safe-keeping, transfer, or disbursement of

the public money, whether such persons be indicted as receivers or depositaries of the same. (Mar. 4, 1909, sec. 92, 35 Stat. 1105; 18 U. S. C., sec. 178.)

**1268. Record evidence of embezzlement.**—Upon the trial of any indictment against any person for embezzling public money under any provision of the six preceding sections [18 U. S. C., secs. 173-178], it shall be sufficient evidence, *prima facie*, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the General Accounting Office, as required in civil cases, under the provisions for the settlement of accounts between the United States and receivers of public money. (Mar. 4, 1909, sec. 93, 35 Stat. 1105; June 10, 1921, sec. 304, 42 Stat. 24; 18 U. S. C., sec. 179.)

**1269. Prima facie evidence of embezzlement.**—The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money, to pay any draft, order, or warrant, drawn upon him by the General Accounting Office for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, *prima facie* evidence of such embezzlement. (Mar. 4, 1909, sec. 94, 35 Stat. 1106; June 10, 1921, sec. 304, 42 Stat. 24; 18 U. S. C., sec. 180.)

**1270. Evidence of conversion.**—If any officer charged with the disbursement of the public moneys accepts, receives, or transmits to the General Accounting Office to be allowed in his favor any receipt or voucher from a creditor of the United States without having paid to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, the full amount specified in such receipt or voucher, every such act is an act of conversion by such officer to his own use of the amount specified in such receipt or voucher. (Mar. 4, 1909, sec. 95, 35 Stat. 1106; June 10, 1921, sec. 304, 42 Stat. 24; 18 U. S. C., sec. 181.)

**1271. Banker receiving unauthorized deposit of public money.**—Every banker, broker, or other person not an authorized depositary of public moneys, who shall knowingly receive from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or shall use, transfer, convert, appropriate, or apply any portion of the public money for any purpose not prescribed by law; and every president, cashier, teller, director, or other officer of any bank or banking association who shall violate any provision of this section is guilty of embezzlement of the public money so deposited, loaned, transferred, used, converted, appropriated, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both. (Mar. 4, 1909, sec. 96, 35 Stat. 1106; 18 U. S. C., sec. 182.)

**1272. Embezzlement by internal revenue officer.**—Any officer connected with, or employed in, the Internal-Revenue Service of the United States, and any assistant of such officer, who shall embezzle or wrongfully convert to his own use any money or property of the United States, and any officer of the United States, or any assistant

of such officer, who shall embezzle or wrongfully convert to his own use any money or property which may have come into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or assistant, whether the same shall be the money or property of the United States or of some other person or party, shall, where the offense is not otherwise punishable by some statute of the United States, be fined not more than the value of the money and property thus embezzled or converted, or imprisoned not more than ten years, or both. (Mar. 4, 1909, sec. 97, 35 Stat. 1106; 18 U. S. C., sec. 183.)

**1273. Officer contracting beyond specific appropriation.**—Whoever, being an officer of the United States, shall knowingly contract for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be fined not more than two thousand dollars and imprisoned not more than two years. (Mar. 4, 1909, sec. 98, 35 Stat. 1106; 18 U. S. C., sec. 184.)

**1274. Failure to make returns or reports.**—Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any Act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such Act or regulation, shall be fined not more than one thousand dollars. (Mar. 4, 1909, sec. 101, 35 Stat. 1107; 18 U. S. C., sec. 188.)

**1275. False entries in accounts or records, or false reports of public or trust moneys or securities.**—That whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of keeping accounts or records of any kind, shall, with intent to deceive, mislead, injure, or defraud the United States or any person, make in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing; or whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of receiving, holding, or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities, shall, with like intent, make a false report of such moneys or securities, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. (Mar. 4, 1911, 36 Stat. 1355; 18 U. S. C., sec. 189.)

**1276. Trading in public property by collecting or disbursing officer.**—Whoever, being an officer of the United States concerned in the collection or the disbursement of the revenues thereof, shall carry on any trade or business in the funds or debts of the United States, or of any State, or in any public property of either, shall be fined not more than three thousand dollars, or imprisoned not more than one year, or both, and be removed from office, and thereafter be incapable of holding any office under the United States. (Mar. 4, 1909, sec. 103, 35 Stat. 1107; 18 U. S. C., sec. 192.)

**1277. Officers purchasing fees at less than face value.**—Whoever being a judge, clerk, or deputy clerk of any court of the United States, or of any territory thereof, or a United States district attorney, assistant attorney, marshal, deputy marshal, commissioner, or other person holding any office or employment, or position of trust or profit under the Government of the United States shall, either directly or indirectly, purchase at less than the full face value thereof, any claim against the United States for the fee, mileage, or expenses of any witness, juror, deputy marshal, or any other officer of the court whatsoever, shall be fined not more than one thousand dollars. (Mar. 4, 1909, sec. 104, 35 Stat. 1107; 18 U. S. C., sec. 193.)

**1278. Officer making false certificate.**—Whoever, being a public officer or other person authorized by any law of the United States to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not elsewhere expressly provided by law, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. (Mar. 4, 1909, sec. 106, 35 Stat. 1107, 18 U. S. C., sec. 195.)

**1279. Officers interested in claims against the United States.**—Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both. (Mar. 4, 1909, sec. 109, 35 Stat. 1107; 18 U. S. C., sec. 198.)

**1280. Use of appropriations to pay for personal service to influence Members of Congress to favor or oppose legislation.**—That hereafter no part of the money appropriated by this or any other Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers and employees of the United States from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Any officer or employee of the United States who, after notice and hearing by the superior officer vested with the power of removing him, is found to have violated or attempted to violate this section,

shall be removed by such superior officer from office or employment. Any officer or employee of the United States who violates or attempts to violate this section shall also be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or both. (July 11, 1919, sec. 6, 41 Stat. 68; 18 U. S. C., sec. 201.)

**1281. Member of Congress, etc., or officer or agent of United States, taking consideration for procuring contract.**—Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified and during his continuance in office, or being an officer or agent of the United States, shall directly or indirectly take, receive, or agree to receive, from any person, any money, property, or other valuable consideration whatever, for procuring, or aiding to procure, any contract, appointive office, or place from the United States or from any officer or Department thereof, for any person whatever, or for giving any such contract, appointive office, or place to any person whomsoever; or whoever, directly or indirectly, shall offer, or agree to give, or shall give, or bestow, any money, property, or other valuable consideration whatever, for the procuring, or aiding to procure, any such contract, appointive office, or place, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States. Any such contract or agreement may, at the option of the President, be declared void. (Mar. 4, 1909, sec. 112, 35 Stat. 1108; 18 U. S. C., sec. 202.)

**1282. Receiving pay by Member of Congress in matters affecting United States.**—Whoever, being elected or appointed a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States. (Mar. 4, 1909, sec. 113, 35 Stat. 1109; 18 U. S. C., sec. 203.)

**1283. Member of Congress interested in public contracts; contracts void.**—Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement, made or entered into in behalf of the

United States by any officer or person authorized to make contracts on its behalf, shall be fined not more than three thousand dollars. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced by the United States, in consideration of any such contract or agreement, it shall forthwith be repaid; and in case of failure or refusal to repay the same when demanded by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the person so failing or refusing, and his sureties, for the recovery of the money so advanced. (Mar. 4, 1909, 35 Stat. 1109; sec. 114, 18 U. S. C., sec. 204.)

**1284. Making official contract with Member of Congress.**—Whoever, being an officer of the United States, shall, on behalf of the United States, directly or indirectly make or enter into any contract, bargain, or agreement, in writing or otherwise, with any Member of or Delegate to Congress, or any Resident Commissioner, after his election or appointment as such Member, Delegate, or Resident Commissioner, and either before or after he has qualified, and during his continuance in office, shall be fined not more than three thousand dollars. (Mar. 4, 1909, 35 Stat. 1109; sec. 115, 18 U. S. C., sec. 205.)

**1285. Contracts not affected.**—Nothing contained in the two preceding sections [18 U. S. C., secs. 204, 205] shall extend, or be construed to extend, to any contract or agreement made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any Member of or Delegate to Congress, or Resident Commissioner, where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement. (Mar. 4, 1909, sec. 116, 35 Stat. 1109; 18 U. S. C., sec. 206.)

**1286. Official accepting bribe.**—Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof; or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive, any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States. (Mar. 4, 1909, sec. 117, 35 Stat. 1109; 18 U. S. C., sec. 207.)

**1287. Political contributions; solicitation.**—It is unlawful for any Senator or Representative in, or Delegate or Resident Commissioner to, Congress, or any candidate for, or individual elected as, Senator,

Representative, Delegate, or Resident Commissioner, or any officer or employee of the United States, or any person receiving any salary or compensation for services from money derived from the Treasury of the United States, to directly or indirectly solicit, receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person. (Mar. 4, 1909, sec. 118, 35 Stat. 1110; Feb. 28, 1925, sec. 312, 43 Stat. 1073; 18 U. S. C., sec. 208.)

**1288. Same; not to be received in public offices.**—No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section, or in any navy yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever. (Mar. 4, 1909, sec. 119, 35 Stat. 1110; 18 U. S. C., sec. 209.)

**1289. Same; immunity from official proscription.**—No officer or employee of the United States mentioned in section one hundred and eighteen [18 U. S. C., sec. 208], shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose. (Mar. 4, 1909, sec. 120, 35 Stat. 1110; 18 U. S. C., sec. 210.)

**1290. Same; making to officials.**—No officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever. (Mar. 4, 1909, sec. 121, 35 Stat. 1110; 18 U. S. C., sec. 211.)

**1291. Same; punishment.**—Whoever shall violate any provision of the four preceding sections [18 U. S. C., secs. 208–211] shall be fined not more than five thousand dollars, or imprisoned not more than three years, or both. (Mar. 4, 1909, sec. 122, 35 Stat. 1110; 18 U. S. C., sec. 212.)

**1292. Political contributions; removal from office.**—That all executive officers or employees of the United States, not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from, any other officer or employee of the Government, any money or property or other thing of value for political purposes; and any such officer or employee, who shall offend against the provisions of this section shall be at once discharged from the service of the United States. (Aug. 15, 1876, sec. 6, 19 Stat. 169; 18 U. S. C., sec. 213.)

**1293. Officials giving advance information of crop reports.**—Whoever being an officer or employee of the United States or a person acting for or on behalf of the United States in any capacity under or by virtue of the authority of any department or office thereof, and while holding such office, employment, or position shall, by virtue of the office, employment, or position held by him, become possessed of any information which might exert an influence upon or affect

the market value of any product of the soil grown within the United States, which information is by law or by the rules of the department or office required to be withheld from publication until a fixed time, and shall willfully impart, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the department or office to receive the same; or shall, before such information is made public through regular official channels, directly or indirectly speculate in any such product respecting which he has thus become possessed of such information, by buying or selling the same in any quantity, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both: *Provided*, That no person shall be deemed guilty of a violation of any such rule, unless prior to such alleged violation he shall have had actual knowledge thereof. (Mar. 4, 1909, sec. 123, 35 Stat. 1110; 18 U. S. C., sec. 214.)

**1294. Official knowingly issuing false crop reports.**—Whoever, being an officer or employee of the United States and whose duties require the compilation or report of statistics or information relative to the products of the soil, shall knowingly compile for issuance, or issue, any false statistics or information as a report of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. (Mar. 4, 1909, sec. 124, 35 Stat. 1111; 18 U. S. C., sec. 215.)

**1295. Officer, agent, or employee of United States searching private dwelling without a warrant.**—Any officer, agent, or employee of the United States engaged in the enforcement of any law of the United States who shall search any private dwelling used and occupied as such dwelling without a warrant directing such search, or who, while engaged in such enforcement, shall without a search warrant maliciously and without reasonable cause search any other building or property, shall be guilty of a misdemeanor and upon conviction thereof shall be fined for a first offense not more than \$1,000, and for a subsequent offense not more than \$1,000, or imprisoned not more than one year, or both such fine and imprisonment: *Provided*, That nothing herein contained shall apply to any officer, agent, or employee of the United States serving a warrant of arrest, or arresting or attempting to arrest any person committing or attempting to commit an offense in the presence of such officer, agent, or employee, or who has committed, or who is suspected on reasonable grounds of having committed, a felony.

Whoever not being an officer, agent, or employee of the United States shall falsely represent himself to be such officer, agent, or employee, and in such assumed character shall arrest or detain any person or shall in any manner search the person, buildings, or other property of any person, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000 or imprisoned for not more than one year, or by both such fine and imprisonment. (Aug. 27, 1935, title II, sec. 201, Public 347, 74th Cong.)

#### OFFENSES AGAINST PUBLIC JUSTICE

**1296. Destroying public records.**—Whoever shall wilfully and unlawfully conceal, remove, mutilate, obliterate, or destroy, or attempt to conceal, remove, mutilate obliterate, or destroy, or, with

intent to conceal, remove, mutilate, obliterate, destroy, or steal, shall take and carry away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both. (Mar. 4, 1909, sec. 128, 35 Stat. 1111; 18 U. S. C., sec. 234.)

**1297. Destroying records by officer in charge.**—Whoever, having the custody of any record, proceeding, map, book, document, paper, or other thing specified in the preceding section, shall wilfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy any such record, proceeding, map, book, document, paper, or thing, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both; and shall moreover forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States. (Mar. 4, 1909, sec. 129, 35 Stat. 1112; 18 U. S. C., sec. 235.)

**1298. Bribery of judicial officer.**—Whoever, directly or indirectly, shall give or offer, or cause to be given or offered, any money, property, or value of any kind, or any promise or agreement therefor, or any other bribe, to any judge, judicial officer, or other person authorized by any law of the United States to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision, shall be fined not more than twenty-thousand dollars, or imprisoned not more than fifteen years, or both; and shall forever be disqualified to hold any office of honor, trust, or profit under the United States. (Mar. 4, 1909, sec. 131, 35 Stat. 1112; 18 U. S. C., sec. 237.)

**1299. Accepting bribe; juror or referee.**—Whoever, being a juror, referee, arbitrator, appraiser, assessor, auditor, master, receiver, United States commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, controversy, or proceeding, shall ask, receive, or agree to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action, judgment, or decision shall be influenced thereby, or because of any such vote, opinion, action, judgment, or decision, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both. (Mar. 4, 1909, sec. 133, 35 Stat. 1112; 18 U. S. C., sec. 239.)

#### OFFENSES AGAINST POSTAL SERVICE

**1300. Assaulting custodian of mail matter, money, or other property of United States; wounding custodian.**—Whoever shall assault any person having lawful charge, control, or custody of any mail matter or of any money or other property of the United States, with intent to rob, steal, or purloin such mail matter, money, or other property of the United States, or any part thereof, or shall rob any such person of such mail matter, or of any money, or other property of the United States, or any part thereof, shall, for the first offense, be imprisoned not more than ten years; and if in effecting or attempting to effect such robbery he shall wound the person having custody

of such mail, money, or other property of the United States, or put his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned twenty-five years. (R. S., secs. 5472, 5473, Mar. 4, 1909, sec. 197, 35 Stat. 1126; Aug. 26, 1935, Public 340, 74th Cong.; 18 U. S. C., sec. 320.)

**1301. Fraudulent use of official envelopes, etc.; penalty.**—Whoever shall make use of any official envelope, label, or indorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than three hundred dollars. (Mar. 4, 1909, 35 Stat. 1134; sec. 227, 18 U. S. C., sec. 357.)

#### OFFENSES AGAINST FOREIGN AND INTERSTATE COMMERCE

**1302. Dead bodies of game animals or game or song birds subject to laws of State.**—That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This Act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl. (May 25, 1900, sec. 5, 31 Stat. 188; 18 U. S. C., sec. 395.)

**1303. Importation of injurious animals and birds; permits for foreign wild animals; specimens for museums, etc.**—The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof, any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section. (Mar. 4, 1909, sec. 241, 35 Stat. 1137; 18 U. S. C., sec. 391.)

**1304. Transportation of illegally killed game; shipments in game season; false record or account.**—It shall be unlawful for any person, firm, corporation, or association to deliver or knowingly receive for shipment, transportation, or carriage, or to ship, transport, or carry, by any means whatever, from any State, Territory, or the District of

Columbia, to, into, or through any other State, Territory, or the District of Columbia, or to a foreign country any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country contrary to any law of the United States, or captured, killed, taken, purchased, sold, or possessed contrary to any such law, or captured, killed, taken, shipped, transported, carried, purchased, sold, or possessed contrary to the law of any State, Territory, or the District of Columbia, or foreign country or State, Province, or other subdivision thereof in which it was captured, killed, taken, purchased, sold, or possessed or in which it was delivered or knowingly received for shipment, transportation, or carriage, or from which it was shipped, transported, or carried; and it shall be unlawful for any person, firm, corporation, or association to transport, bring, or convey, by any means whatever, from any foreign country into the United States any wild animal or bird, or the dead body or part thereof, or the egg of any such bird captured, killed, taken, shipped, transported, or carried contrary to the law of the foreign country or State, Province, or other subdivision thereof in which it was captured, killed, taken, delivered, or knowingly received for shipment, transportation, or carriage, or from which it was shipped, transported, or carried; and no person, firm, corporation, or association shall knowingly purchase or receive any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country or shipped, transported, carried, brought, or conveyed, in violation of this section; nor shall any person, firm, corporation, or association purchasing or receiving any wild animal or bird, or the dead body or part thereof, or the egg of any such bird, imported from any foreign country, or shipped, transported, or carried in interstate commerce make any false record or render any account that is false in any respect in reference thereto. (Mar. 4, 1909, 35 Stat. 1137; sec. 242, June 15, 1935, sec. 201, title II, Public, 148, 74th Cong.; 18 U. S. C., sec. 392.)

**1305. Marking of packages.**—All packages or containers in which wild animals or birds, or the dead bodies or parts thereof, or the eggs of any such birds are shipped, transported, carried, brought, or conveyed, by any means whatever, from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to or from a foreign country shall be plainly and clearly marked or labeled on the outside thereof with the names and addresses of the shipper and consignee and with an accurate statement showing by number and kind the contents thereof. (Mar. 4, 1909, sec. 243, 35 Stat. 1137; June 15, 1935, sec. 201, title II, Public, 148, 74th Cong.; 18 U. S. C., sec. 393.)

**1306. Penalty for violation.**—For each evasion or violation of, or failure to comply with, any provision of the three sections last preceding [18 U. S. C., secs. 391-393], any person, firm, corporation, or association, upon conviction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months, or both. (Mar. 4, 1909, sec. 244, 35 Stat. 1137, June 15, 1935, sec. 201, title II, Public, 148, 74th Cong.; 18 U. S. C., sec. 394.)

**1307. Authority of authorized employees of Department of Agriculture and customs officers to arrest on view person violating sections 242 and**

**243 of the Criminal Code; warrants.**—That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of said sections 242 and 243 [18 U. S. C., secs. 392, 393], and any officer of the customs, shall have power to arrest any person committing a violation of any provision of said sections in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections; and shall have authority to execute any warrant to search for and seize wild animals or birds, or the dead bodies or parts thereof, or the eggs of such birds, delivered or received for shipment, transportation, or carriage, or shipped, transported, carried, brought, conveyed, purchased, or received in violation of said sections 242 and 243 [18 U. S. C., secs. 392, 393]. Any judge of a court established under the laws of the United States or any United States commissioner may, within his jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Wild animals or birds, or the dead bodies or parts thereof, or the eggs of such birds, delivered or received for shipment, transportation, or carriage, or shipped, transported, carried, brought, conveyed, purchased, or received contrary to the provisions of said sections 242 and 243 [18 U. S. C., secs. 392, 393] shall, when found, be taken into possession and custody by any such employee or by the United States marshal or his deputy, or by any officer of the customs, and held pending disposition thereof by the court; and when so taken into possession or custody, upon conviction of the offender or upon judgment of a court of the United States that the same were delivered or received for shipment, transportation, or carriage, or were shipped, transported, carried, brought, conveyed, purchased, or received contrary to any provision of said sections 242 and 243 [18 U. S. C., secs. 392, 393], or were imported in violation of any law of the United States, as a part of the penalty and in addition to any fine or imprisonment imposed under aforesaid section 244 [18 U. S. C., sec. 394], or otherwise, shall be forfeited and disposed of as directed by the court. (June 15, 1935, sec. 202, title II, Public 148, 74th Cong.)

#### OFFENSES WITHIN ADMIRALTY, MARITIME, AND TERRITORIAL JURISDICTION OF UNITED STATES

**1308. Laws of States adopted for punishing wrongful acts.**—Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 272 of the Criminal Code (U. S. C., title 18, sec. 451), shall do or omit the doing of any act or thing which is not made penal by any laws of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof in force on April 1, 1935, and remaining in force at the time of the doing or omitting the doing of such act or thing, would be penal, shall be deemed guilty of a like offense and be subject to a like punishment. (Mar. 4, 1909, 35 Stat. 1145; June 15, 1933, 48 Stat. 152; June 20, 1935, Public Res. 34, 74th Cong; 18 U. S. C., sec. 468.)

## UNITED STATES PRISONS IN GENERAL

**1309. Employment of convicts on public works; camps for confinement of convicts.**—The Attorney General may make available the services of United States prisoners to the heads of the several departments under such terms, conditions, and at such rates as may be mutually agreed upon, for the purpose of constructing or repairing roads the cost of which is borne exclusively by the United States; clearing, maintaining, and reforesting public lands; building levees; and for construction or repairing any other public ways or works which are or may be financed wholly or in major part by funds appropriated from the Treasury of the United States. To carry out the purpose of this section the Attorney General may establish, equip, and maintain camps upon sites selected by him and designate such camps as a place for confinement of persons convicted of an offense against the laws of the United States, or transfer thereto any person convicted of any offense against the laws of the United States. The expenses of transferring and maintaining prisoners at such camps shall be paid from the appropriation "Support of United States prisoners", and said appropriation may, in the discretion of the Attorney General, be reimbursed for such expenses. (May 27, 1930, sec. 2, 46 Stat. 391, 18 U. S. C., sec. 744b.)

**1310. Same; industries; articles produced.**—The Attorney General shall establish such industries as will produce articles and commodities for consumption in United States penal and correctional institutions or for sale to the departments and independent establishments of the Federal Government and not for sale to the public in competition with private enterprise. \* \* \* (May 27, 1930, sec. 3, 46 Stat. 391, 18 U. S. C., sec. 744c.)

**1311. Purchase of prison-made articles by Federal departments.**—The several Federal departments and independent establishments and all other Government institutions of the United States shall purchase at not to exceed current market prices, such products of the industries herein authorized to be carried on as meet their requirements and as may be available and are authorized by the appropriations from which such purchases are made. Any disputes as to the price, quality, suitability, or character of the products manufactured in any prison industry and offered to any Government department shall be arbitrated by a board consisting of the Comptroller General of the United States, the Superintendent of Supplies of the General Supply Committee, and the Chief of the United States Bureau of Efficiency, or their representatives. The decision of said board shall be final and binding upon all parties. (May 27, 1930, sec. 7, 46 Stat. 392; 18 U. S. C., sec. 744g.)

**1312. Transportation of prison-made goods into State where sale prohibited; commodities manufactured in Federal institutions for use by Federal Government excepted.**—That it shall be unlawful for any person knowingly to transport or cause to be transported, in any manner or by any means whatsoever, or aid or assist in obtaining transportation for or in transporting any goods, wares, and merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation), or in any penal or reformatory institution, from one State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place non-

contiguous but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, where said goods, wares, and merchandise are intended by any person interested therein to be received, possessed, sold, or in any manner used, either in the original package or otherwise in violation of any law of such State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof. Nothing herein shall apply to commodities manufactured in Federal penal and correctional institutions for use by the Federal Government. (July 24, 1935, sec. 1, Public 215, 74th Cong.)

### CUSTOMS DUTIES

#### THE TARIFF COMMISSION

**1313. Cooperation of Tariff Commission with other departments.**—That the United States Tariff Commission shall in appropriate matters act in conjunction and cooperation with the Treasury Department, the Department of Commerce, the Federal Trade Commission, or any other departments, or independent establishments of the Government, and such departments and independent establishments of the Government shall cooperate fully with the commission for the purposes of aiding and assisting in its work, and, when directed by the President, shall furnish to the commission, on its request, all records, papers, and information in their possession relating to any of the subjects of investigation by said commission and shall detail, from time to time, such officials and employees to said commission as he may direct. (Sept. 8, 1916, sec. 707, 39 Stat. 797; 19 U. S. C., sec. 101.)

#### TARIFF ACT OF 1930

##### DUTIABLE LIST

**1314. Birds of paradise, etc.; presumed imported unlawfully.**—That the importation of birds of paradise, aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes, is hereby prohibited; but this provision shall not apply to the feathers or plumes of ostriches or to the feathers or plumes of domestic fowls of any kind: *Provided further*, That birds of paradise, and the feathers, quills, heads, wings, tails, skins, or parts thereof, and all aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins of wild birds either raw or manufactured, of like kind to those the importation of which is prohibited by the foregoing provisions of this paragraph, which may be found in the United States, on and after the passage of this Act, except as to such plumage or parts of birds in actual use for personal adornment, and except such plumage, birds, or parts thereof imported therein for scientific or educational purposes, shall be presumed for the purpose of seizure to have been imported unlawfully after October 3, 1913, and the collector of customs shall seize the same unless the possessor thereof shall establish to the satisfaction of the collector that the same were imported into the United States prior to October 3, 1913, or as to such plumage or parts of birds that they were plucked or derived in

the United States from birds lawfully therein; and in case of seizure by the collector, he shall proceed as in case of forfeiture for violation of the customs laws, and the same shall be forfeited, unless the claimant shall, in any legal proceeding to enforce such forfeiture, other than a criminal prosecution, overcome the presumption of illegal importation and establish that the birds or articles seized, of like kind to those mentioned the importation of which is prohibited as above, were imported into the United States prior to October 3, 1913, or were plucked in the United States from birds lawfully therein. (June 17, 1930, title I, sec. 1, par. 1518, 46 Stat. 662; 19 U. S. C., sec. 1001, par. 1518.)

## FREE LIST

**1315. Animals imported for breeding purposes; stocking and non-commercial purposes, plants, etc., by Government.**—On and after June 18, 1930, except as otherwise specially provided for in this Act, the articles mentioned in the following paragraphs, when imported into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam), shall be exempt from duty:

\* \* \* \* \*

(a) Any animal imported by a citizen of the United States specially for breeding purposes, shall be admitted free, whether intended to be used by the importer himself or for sale for such purposes, except black or silver foxes: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed: *Provided further*, That the certificate of such record and pedigree of such animal shall be produced and submitted to the Department of Agriculture, duly authenticated by the proper custodian of such book of record, together with an affidavit of the owner, agent, or importer that the animal imported is the identical animal described in said certificate of record and pedigree. The Secretary of Agriculture may prescribe such regulations as may be required for determining the purity of breeding and the identity of such animal: *And provided further*, That the collectors of customs shall require a certificate from the Department of Agriculture stating that such animal is pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed. (June 17, 1930, title II, sec. 201, par. 1606 (a), 46 Stat. 673; 19 U. S. C., sec. 1201, par. 1606 (a).)

\* \* \* \* \*

(b) Live game animals and birds, imported for stocking purposes, and game animals and birds killed in foreign countries by residents of the United States and imported by them for noncommercial purposes; under such regulations as the Secretary of Agriculture and the Secretary of the Treasury shall prescribe. (June 17, 1930, title II, sec. 201, par. 1682, 46 Stat. 678; 19 U. S. C., sec. 1201, par. 1682.)

\* \* \* \* \*

(c) Plants, trees, shrubs, roots, seed cane, seeds, and other material for planting, imported by the Department of Agriculture or the United States Botanic Garden. (June 17, 1930, title II, sec. 201, par. 1742, 46 Stat. 680; 19 U. S. C., sec. 1201, par. 1742.)

## SPECIAL PROVISIONS

**1316. Immoral articles; prohibition of importation.**—All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article which is obscene or immoral, or any drug or medicine or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles and, unless it appears to the satisfaction of the collector that the obscene or other prohibited articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee, the entire contents of the package in which such articles are contained, shall be subject to seizure and forfeiture as hereinafter provided: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subdivision: *Provided further*, That the Secretary of the Treasury may, in his discretion, admit the classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes.

Upon the appearance of any such book or matter at any customs office, the same shall be seized and held by the collector to await the judgment of the district court as hereinafter provided; and no protest shall be taken to the United States Customs Court from the decision of the collector. Upon the seizure of such book or matter the collector shall transmit information thereof to the district attorney of the district in which is situated the office at which such seizure has taken place, who shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized. Upon the adjudication that such book or matter thus seized is of the character the entry of which is by this section prohibited, it shall be ordered destroyed and shall be destroyed. Upon adjudication that such book or matter thus seized is not of the character the entry of which is by this section prohibited, it shall not be excluded from entry under the provisions of this section.

In any such proceeding any party in interest may upon demand have the facts at issue determined by a jury and any party may have an appeal or the right of review as in the case of ordinary actions or suits.

**Importation of immoral objects; penalty on Government officers.**—Any officer, agent, or employee of the Government of the United States who shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or

indecent publications or representations, or books, pamphlets, papers, writings, advertisements, circulars, prints, pictures, or drawings containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than \$5,000, or by imprisonment at hard labor for not more than ten years, or both. (June 17, 1930, title III, sec. 305b, 46 Stat. 688; 19 U. S. C., sec. 1305.)

**1317. Penalty for disclosure of trade secrets.**—It shall be unlawful for any member of the commission, or for any employee, agent, or clerk of the commission, or any other officer or employee of the United States, to divulge, or to make known in any manner whatever not provided for by law, to any person, the trade secrets or processes of any person, firm, copartnership, corporation, or association embraced in any examination or investigation conducted by the commission, or by order of the commission, or by order of any member thereof. Any offense against the provisions of this section shall be a misdemeanor and be punished by a fine not exceeding \$1,000, or by imprisonment not exceeding one year, or both, in the discretion of the court, and such offender shall also be dismissed from office or discharged from employment. (June 17, 1930, title III, sec. 335, 46 Stat. 701; 19 U. S. C., sec. 1335.)

#### FOREIGN TRADE AGREEMENTS

**1318. Foreign trade agreements; President to seek information and advice from Department of Agriculture before concluding.**—Before any foreign trade agreement is concluded with any foreign government or instrumentality thereof under the provisions of this Act [19 U. S. C., secs. 1351–1354], reasonable public notice of the intention to negotiate an agreement with such government or instrumentality shall be given in order that any interested person may have an opportunity to present his views to the President, or to such agency as the President may designate, under such rules and regulations as the President may prescribe; and before concluding such agreement the President shall seek information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce and from such other sources as he may deem appropriate. (June 12, 1934, sec. 4, 48 Stat. 945; 19 U. S. C., sec. 1354.)

#### IMPORTATION OF WILD MAMMALS AND BIRDS IN VIOLATION OF FOREIGN LAW

**1319. Importation of wild mammals and birds in violation of foreign law.**—(a) **IMPORTATION PROHIBITED.**—If the laws or regulations of any country, dependency, province, or other subdivision of government restrict the taking, killing, possession, or exportation to the United States, of any wild mammal or bird, alive or dead, or restrict the exportation to the United States of any part or product of any wild mammal or bird, whether raw or manufactured, no such mammal or bird, or part or product thereof, shall, after the expiration of ninety days after the enactment of this Act, be imported into the

United States from such country, dependency, province, or other subdivision of government, directly or indirectly, unless accompanied by a certification of the United States consul, for the consular district in which is located the port or place from which such mammal or bird, or part or product thereof, was exported from such country, dependency, province, or other subdivision of government, that such mammal or bird, or part or product thereof, has not been acquired or exported in violation of the laws or regulations of such country, dependency, province, or other subdivision of government.

(b) **FORFEITURE.**—Any mammal or bird, alive or dead, or any part or product thereof, whether raw or manufactured, imported into the United States in violation of the provisions of the preceding subdivision shall be subject to seizure and forfeiture under the customs laws. Any such article so forfeited may, in the discretion of the Secretary of the Treasury and under such regulations as he may prescribe, be placed with the departments or bureaus of the Federal or State Governments, or with societies or museums, for exhibition or scientific or educational purposes, or destroyed, or (except in the case of heads or horns of wild mammals) sold in the manner provided by law.

(c) **SECTION NOT TO APPLY IN CERTAIN CASES.**—The provisions of this section shall not apply in the case of—

(1) **PROHIBITED IMPORTATIONS.**—Articles the importation of which is prohibited under the provisions of this Act, or of section 241 of the Criminal Code [18 U. S. C., sec. 391], or of any other law;

(2) **SCIENTIFIC OR EDUCATIONAL PURPOSES.**—Wild mammals or birds, alive or dead, or parts or products thereof, whether raw or manufactured, imported for scientific or educational purposes;

(3) **CERTAIN MIGRATORY GAME BIRDS.**—Migratory game birds (for which an open season is provided by the laws of the United States and any foreign country which is a party to a treaty with the United States, in effect on the date of importation, relating to the protection of such migratory game birds) brought into the United States by bona fide sportsmen returning from hunting trips in such country, if at the time of importation the possession of such birds is not prohibited by the laws of such country or of the United States. (June 17, 1930, title IV, sec. 527, 46 Stat. 741; sec. 527; 19 U. S. C., sec. 1527.)

## EDUCATION

### FEDERAL BOARD FOR VOCATIONAL EDUCATION

**1320. Federal Board for Vocational Education; studies, investigations, and reports.**—That a Federal Board for Vocational Education<sup>8</sup> is hereby created, to consist of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the United States Commissioner of Education, and three citizens of the United States to be appointed by the President, by and with the advice and consent of the Senate. One of said three citizens shall be a representative of the manufacturing and commercial interests, one a representative of the agricultural interests, and one a representative of labor. The board shall elect annually one of its members as chairman. In the

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<sup>8</sup>The functions of the Federal Board for Vocational Education are transferred to the Department of the Interior, and the Board shall act in an advisory capacity without compensation. (Executive Order, No. 6166, sec. 15, June 10, 1933.)

first instance, one of the citizen members shall be appointed for one year, one for two years, and one for three years, and thereafter for three years each. The members of the board other than the members of the Cabinet and the United States Commissioner of Education shall receive a salary of \$5,000 per annum.

The board shall have power to cooperate with State boards in carrying out the provisions of this Act. It shall be the duty of the Federal Board for Vocational Education to make, or cause to have made studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics. Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries, and apprenticeships, trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits and requirements upon commercial workers; home management, domestic science, and the study of related facts and principles; and problems of administration of vocational schools and of courses of study and instruction in vocational subjects.

When the Board deems it advisable such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, may be made in cooperation with or through the Department of Agriculture; such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education, may be made in cooperation with or through the Department of Labor; such studies, investigations, and reports concerning commerce and commercial pursuits, for the purposes of commercial education, may be made in cooperation with or through the Department of Commerce; such studies, investigations, and reports concerning the administration of vocational schools, courses of study and instruction in vocational subjects, may be made in co-operation with or through the Bureau of Education.

The Commissioner of Education may make such recommendations to the board relative to the administration of this Act as he may from time to time deem advisable. It shall be the duty of the chairman of the board to carry out the rules, regulations, and decisions which the board may adopt. The Federal Board for Vocational Education shall have power to employ such assistants as may be necessary to carry out the provisions of this Act.<sup>3</sup> (Feb. 23, 1917, sec. 6, 39 Stat. 932; 20 U. S. C., sec. 17.)

**1321. Same; cooperation of departments with.**—That it shall also be the duty of the board to make or cause to have made studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placement in suitable or gainful occupations. When the board deems it advisable, such studies, investigations, and reports may be made in cooperation with or through other departments and bureaus of the Government, and the board in its discretion may cooperate with such public or private agencies as it may deem advisable in performing the duties imposed upon it by this Act. (June 27, 1918, sec. 5, 40 Stat. 618.)

**1322. Benefits extended to Puerto Rico.**—That Puerto Rico shall be entitled to share in the benefits of the Act entitled "An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", approved February 23, 1917, and any Act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1932, and annually thereafter, the sum of \$105,000, to be available for allotment under such Act to the island of Puerto Rico: *Provided*, That of the sum authorized to be appropriated for the purposes of this Act, the sum of \$30,000, if expended, shall be expended for the salaries of teachers of agricultural subjects; the sum of \$30,000, if expended, shall be expended for the salaries of teachers of home-economics subjects; the sum of \$30,000, if expended, shall be expended for the salaries of teachers of trade and industrial subjects; and the sum of \$15,000, if expended, shall be expended for the maintenance of teacher training, including supervision. (Mar. 3, 1931, sec. 1, 46 Stat. 1489; 20 U. S. C., sec. 30.)

#### NATIONAL ZOOLOGICAL PARK

**1323. National Zoological Park, aid in acquisition of collections.**—That the heads of executive departments of the Government are hereby authorized and directed to cause to be rendered all necessary and practicable aid to the said regents [of the Smithsonian Institution] in the acquisition of collections for the Zoological Park. (Apr. 30, 1890, sec. 3, 26 Stat. 78; 20 U. S. C., sec. 82.)

#### GOVERNMENT COLLECTIONS AND INSTITUTIONS FOR RESEARCH AND MATERIAL FOR EDUCATIONAL INSTITUTIONS

**1324. Literary and scientific collections accessible to scientific investigators and to students.**—Whereas, large collections illustrative of the various arts and sciences and facilitating literary and scientific research have been accumulated by the action of Congress through a series of years at the national capital; and

Whereas it was the original purpose of the Government thereby to promote research and the diffusion of knowledge, and is now the settled policy and present practice of those charged with the care of these collections specially to encourage students who devote their time to the investigation and study of any branch of knowledge by allowing to them all proper use thereof; and

Whereas it is represented that the enumeration of these facilities and the formal statement of this policy will encourage the establishment and endowment of institutions of learning at the seat of Government, and promote the work of education by attracting students to avail themselves of the advantages aforesaid under the direction of competent instructors: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the facilities for research and illustration in the following and any other Governmental collections now existing or hereafter to be established in the city of Washington for the promotion of knowledge shall be accessible,

under such rules and restrictions as the officers in charge of each collection may prescribe, subject to such authority as is now or may hereafter be permitted by law, to the scientific investigators and to students of any institution of higher education now incorporated or hereafter to be incorporated under the laws of Congress or of the District of Columbia, to wit:

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Seven. Of the Department of Agriculture. (Apr. 12, 1892, 27 Stat. 395; 20 U. S. C., sec. 91.)

#### NATIONAL ARBORETUM

**1325. Establishment, site; acquisition of land.**—That the Secretary of Agriculture is authorized and directed to establish and maintain a national arboretum for purposes of research and education concerning tree and plant life. For the purposes of this Act, (1) the President is authorized to transfer to the jurisdiction of the Secretary of Agriculture by Executive order any land which now belongs to the United States within or adjacent to the District of Columbia located along the Anacostia River north of Benning Bridge, and (2) the Secretary of Agriculture is authorized in his discretion to acquire, within the limits of the appropriation authorized by this Act by private purchase, condemnation proceedings, or gift, land so located or other land within or adjacent to the District of Columbia: *Provided*, That the purchase price of any part of said land shall not exceed the full value assessment of such property last made before purchase thereof plus 25 per centum of such assessed value. (Mar. 4, 1927, sec. 1, 44 Stat. 1422; 20 U. S. C., sec. 191.)

**1326. Appropriation.**—There is hereby authorized to be appropriated a sum not to exceed \$300,000, to be expended under the direction of the Secretary of Agriculture for the acquisition of land as specified in section 1 [20 U. S. C., sec. 191]. No payment shall be made by the United States for any such land until the title thereto is satisfactory to the Attorney General and is vested in the United States. (Mar. 4, 1927, sec. 2, 44 Stat. 1422; 20 U. S. C., sec. 192.)

**1327. Administration.**—In order to stimulate research and discovery the national arboretum established by the Secretary of Agriculture in accordance with the provisions of this Act shall be under competent scientific direction. The arboretum shall be administered by the Secretary of Agriculture separately from the agricultural, horticultural, and forestry stations of the Department of Agriculture, but it shall be so correlated with them as to bring about the most effective utilization of its facilities and discoveries. (Mar. 4, 1927, sec. 3, 44 Stat. 1422; 20 U. S. C., sec. 193.)

**1328. Advisory council.**—The Secretary of Agriculture is authorized to create an advisory council in relation to the plan and development of the national arboretum to be established under this Act, to include representatives of national organizations interested in the work of the arboretum. (Mar. 4, 1927, sec. 4, 44 Stat. 1422; 20 U. S. C., sec. 194.)

1329-1343 renumbered as 1817a-1817o.

#### FOOD AND DRUGS ADULTERATED OR MISBRANDED FOODS OR DRUGS

**1344. Manufacturer of adulterated or misbranded food or drugs in Territories or District of Columbia unlawful; penalty.**—That it shall be unlaw-

ful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court. (June 30, 1906, sec. 1, 34 Stat. 768; 21 U. S. C., sec. 1.)

**1345.** Same; interstate or foreign commerce in prohibited; penalty.—That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Coulmbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act. (June 30, 1906, sec. 2, 34 Stat. 768; 21 U. S. C., sec. 2.)

**1346.** Regulations for carrying out provisions of act.—That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign

country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country. (June 30, 1906, sec. 3, 34 Stat. 768; Mar. 4, 1913, 37 Stat. 736; 21 U. S. C., sec. 3.)

**1347. Definitions; "Territory", "person", liability of principal for acts of agent.**—That the term "Territory" as used in this Act shall include the insular possessions of the United States. The word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person. (June 30, 1906, sec. 12, 34 Stat. 772; 21 U. S. C., secs. 4, 5.)

**1348. Standard of butter under Food and Drugs Act.**—That for the purposes of the Food and Drug Act of June 30, 1906 (Thirty-fourth Statutes at Large, page 768) [21 U. S. C., secs. 1-15], "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 per centum by weight of milk fat, all tolerances having been allowed for. (Mar. 4, 1923, 42 Stat. 1500; 21 U. S. C., sec. 6.)

**1349. Definition of terms "drug" and "food."**—That the term "drug", as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food", as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound. (June 30, 1906, sec. 6, 34 Stat. 769; 7 U. S. C., sec. 7.)

**1350. Articles deemed adulterated.**—That for the purposes of this Act an article shall be deemed to be adulterated.

**Drugs.—In case of drugs:**

**DIFFERENCE FROM RECOGNIZED STANDARD; STATEMENT ON BOTTLE, BOX, ETC., AS TO DIFFERENT STANDARD**

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the

bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

#### BELOW PROFESSED STANDARD

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

**Confectionery.**—In the case of confectionery:

#### MINERAL SUBSTANCES, POISONOUS COLOR OR FLAVORS, OTHER DELETERIOUS, ETC., INGREDIENTS, LIQUORS, ETC., OR NARCOTIC DRUGS

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

**Food.**—In the case of food:

#### INJURIOUS MIXTURES

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

#### SUBSTITUTES

Second. If any substance has been substituted wholly or in part for the article.

#### VALUABLE CONSTITUENTS ABSTRACTED

Third. If any valuable constituent of the article has been wholly or in part abstracted.

#### DAMAGE OR INFERIORITY CONCEALED

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

#### POISONOUS OR OTHER DELETERIOUS INGREDIENTS ADDED; PRESERVATIVES OF FOOD PRODUCTS FOR SHIPMENT, NECESSARILY REMOVED WHEN PRODUCTS READY FOR CONSUMPTION

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption.

#### FILTHY, ETC., SUBSTANCES, PORTIONS OF ANIMALS UNFIT FOR FOOD, AND PRODUCTS OF ANIMALS DISEASED OR HAVING DIED OTHERWISE THAN BY SLAUGHTER

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product

of a diseased animal, or one that has died otherwise than by slaughter. (June 30, 1906, sec. 7, 34 Stat. 769; 21 U. S. C., sec. 8.)

**1351. Definition of term "misbranded."**—That the term "misbranded", as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

**Articles deemed misbranded.**—That for the purposes of this Act an article shall also be deemed to be misbranded:

**Drugs.**—In case of drugs:

#### IMITATION OR USE OF NAME OF OTHER ARTICLE

**First:** If it be an imitation of or offered for sale under the name of another article.

#### **REMOVAL AND SUBSTITUTION OF CONTENTS OF PACKAGE, OR FAILURE TO STATE ON LABEL QUANTITY OR PROPORTION OF ALCOHOL, MORPHINE, ETC., OR OTHER NARCOTICS CONTAINED THEREIN**

**Second.** If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

#### **FALSE AND FRAUDULENT STATEMENT, ETC., AS TO CURATIVE OR THERAPEUTIC EFFECT**

**Third.** If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent.

**Food.**—In case of food:

#### IMITATION OR USE OF NAME OF OTHER ARTICLE

**First.** If it be an imitation of or offered for sale under the distinctive name of another article.

#### **FALSE LABEL OR BRAND, ETC., REMOVAL AND SUBSTITUTION OF CONTENTS OF PACKAGE, OR FAILURE TO STATE ON LABEL QUANTITY OR PROPORTION OF MORPHINE OR OTHER NARCOTICS, ETC., CONTAINED THEREIN**

**Second.** If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

**PACKAGES NOT MARKED WITH WEIGHT, MEASURE, OR NUMERICAL COUNT; VARIATIONS AND EXEMPTIONS PERMITTED**

Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however,* That reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of Section three of this Act [21 U. S. C., sec. 3].

That the word "package" [as used in this paragraph] shall include and shall be construed to include wrapped meats inclosed in papers or other materials as prepared by the manufacturers thereof for sale.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided,* That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

**MIXTURES OR COMPOUNDS UNDER DISTINCTIVE NAMES**

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

**ARTICLES LABELED, BRANDED, ETC., AS COMPOUNDS, IMITATIONS, OR BLENDS; CONSTRUCTION OF TERM "BLEND"; EXEMPTION FROM DISCLOSURE OF TRADE FORMULAS OF PROPRIETARY FOODS**

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound", "imitation", or "blend", as the case may be, is plainly stated on the package in which it is offered for sale: *Provided,* That the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further,* That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except insofar as the provisions of this Act may require to secure freedom from adulteration or misbranding.

Fifth. If it be canned food and falls below the standard of quality, condition, and/or fill of container promulgated by the Secretary of Agriculture for such canned food and its package or label does not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food falls below such standard. For the purposes of this paragraph the words canned food mean all food which is in hermetically sealed containers and is steril-

ized by heat, except meat and meat food products which are subject to the provisions of the Meat Inspection Act of March 4, 1907 (Thirty-fourth Statutes, page 1260), as amended [21 U. S. C., secs. 71-93], and except canned milk; the word class means and is limited to a generic product for which a standard is to be established and does not mean a grade, variety, or species of a generic product. The Secretary of Agriculture is authorized to determine, establish, and promulgate, from time to time, a reasonable standard of quality, condition, and/or fill of container for each class of canned food as will, in his judgment, promote honesty and fair dealing in the interest of the consumer; and he is authorized to alter or modify such standard from time to time as, in his judgment, honesty and fair dealing in the interest of the consumer may require. The Secretary of Agriculture is further authorized to prescribe and promulgate from time to time the form of statement which must appear in a plain and conspicuous manner on each package or label of canned food which falls below the standard promulgated by him, and which will indicate that such canned food falls below such standard, and he is authorized to alter or modify such form of statement, from time to time, as in his judgment may be necessary. In promulgating such standards and forms of statements and any alteration or modification thereof, the Secretary of Agriculture shall specify the date or dates when such standards shall become effective, or after which such statements shall be used, and shall give public notice not less than ninety days in advance of the date or dates on which such standards shall become effective or such statements shall be used. Nothing in this paragraph shall be construed to authorize the manufacture, sale, shipment, or transportation of adulterated or misbranded foods. (June 30, 1906, sec. 8, 34 Stat. 771; Aug. 23, 1912, 37 Stat. 416; Mar. 3, 1913, 37 Stat. 732; July 24, 1919, 41 Stat. 271; July 8, 1930, 46 Stat. 1019; 21 U. S. C., secs. 9, 10.)

1352. Examinations of specimens; notice of adulteration or misbranding; certification of violations to district attorneys; notice of judgment.—That the examinations of specimens of foods and drugs shall be made in the Food, Drug, and Insecticide Administration or in such other branches of the Department of Agriculture as the Secretary of Agriculture may direct, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid. (June 30, 1906, sec. 4, 34 Stat. 769; Jan. 18, 1927, 44 Stat. 1003; 21 U. S. C., sec. 11.)

**1353. Duty of district attorneys to prosecute for violations of act.**—That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided. (June 30, 1906, sec. 5, 34 Stat. 769; 21 U. S. C., sec. 12.)

**1354. Dealers; sellers' guaranty as protection for.**—That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act. (June 30, 1906, sec. 9, 34 Stat. 771; 21 U. S. C., sec. 13.)

**1355. Seizure of articles for condemnation; disposition; delivery to owner on bond; proceedings.**—That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this Act, and is being transported from one State, Territory, District, or insular possession to another for sale, or having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. (June 30, 1906, sec. 10, 34 Stat. 771; 21 U. S. C., sec. 14.)

1356. Designation of supervisory inspectors of sea food packers; mark for food conforming to act.—The Secretary of Agriculture, upon application of any packer of any sea food for shipment or sale within the jurisdiction of this Act, may, at his discretion, designate inspectors to examine and inspect such food and the production, packing, and labeling thereof. If on such examination and inspection compliance is found with the provisions of this Act and regulations promulgated thereunder, the applicant shall be authorized or required to mark the food as provided by regulation to show such compliance. Services under this section shall be rendered only upon payment by the applicant of fees fixed by regulation in such amounts as may be necessary to provide, equip, and maintain an adequate and efficient inspection service. Receipts from such fees shall be covered into the Treasury and shall be available to the Secretary of Agriculture for expenditures incurred in carrying out the purposes of this section, including expenditures for salaries of additional inspectors when necessary to supplement the number of inspectors for whose salaries Congress has appropriated. The Secretary is hereby authorized to promulgate regulations governing the sanitary and other conditions under which the service herein provided shall be granted and maintained, and for otherwise carrying out the purposes of this section. Any person who forges, counterfeits, simulates, or falsely represents, or without proper authority uses any mark, stamp, tag, label, or other identification devices authorized or required by the provisions of this section or regulations thereunder, shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not less than \$1,000 nor more than \$5,000, or both such imprisonment and fine. (June 30, 1906, sec. 10a as added; June 22, 1934, 48 Stat. 1204; Aug. 27, 1935, Public 346, 74th Cong.; 21 U. S. C., sec. 14a.)

1357. Examination of samples of imports; refusal of admission and delivery to consignee; charges.—The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to

return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee. (June 30, 1906, sec. 11, 34 Stat. 772; 21 U. S. C., sec. 15.)

**1358.** Introduction into, or sale in, any Territory or District of Columbia of dairy or food products falsely labeled or branded.—That no person or persons, company or corporation, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others. (July 1, 1902, sec. 1, 32 Stat. 632; 21 U. S. C., sec. 16.)

**1359.** Same; penalty; jurisdiction for prosecution.—That if any person or persons violate the provisions of this Act, either in person or through another, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than five hundred nor more than two thousand dollars; and that the jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed. (July 1, 1902, sec. 2, 32 Stat. 632; 21 U. S. C., sec. 17.)

**1360.** Suspension of importation of adulterated articles.—That whenever the President is satisfied that there is good reason to believe that any importation is being made, or is about to be made, into the United States, from any foreign country, of any article used for human food or drink that is adulterated to an extent dangerous to the health or welfare of the people of the United States, or any of them, he may issue his proclamation suspending the importation of such articles from such country for such period of time as he may think necessary to prevent such importation; and during such period it shall be unlawful to import into the United States from the countries designated in the proclamation of the President any of the articles importation of which is so suspended. (Aug. 30, 1890, sec. 4, 26 Stat. 415; 21 U. S. C., sec. 18.)

**1361.** Apples for shipment in interstate commerce.—That the standard grades for apples when packed in barrels which shall be shipped or delivered for shipment in interstate or foreign commerce, or which shall be sold or offered for sale within the District of Columbia or the Territories of the United States shall be as follows: Apples of one variety, which are well-grown specimens, hand picked, of good color for the variety, normal shape, practically free from insect and fungous injury, bruises, and other defects, except such as are necessarily caused in the operation of packing, or apples of one variety which are not more than ten per centum below the foregoing specifications shall be "Standard grade minimum size two and one-half inches," if the minimum size of the apples is two and one-half inches in transverse diameter; "Standard grade minimum size two and one-fourth inches," if the minimum size of the apples

is two and one-fourth inches in transverse diameter; or "Standard grade minimum size two inches," if the minimum size of the apples is two inches in transverse diameter. (Aug. 3, 1912, sec. 2, 37 Stat. 250; 21 U. S. C., sec. 20.)

**1362. Same; branding grades on barrels.**—That the barrels in which apples are packed in accordance with the provision of this Act may be branded in accordance with section two of this Act [21 U. S. C., sec. 20]. (Aug. 3, 1912, sec. 3, 37 Stat. 251; 21 U. S. C., sec. 21.)

**1363. Barrels misbranded; apples below standard grade; failure to state variety, locality, and packer.**—That barrels packed with apples shall be deemed to be misbranded within the meaning of this Act—

First. If the barrel bears any statement, design, or device indicating that the apples contained therein are "Standard" grade and the apples when packed do not conform to the requirements prescribed by section two of this Act [21 U. S. C., sec. 20].

Second. If the barrel bears any statement, design, or device indicating that the apples contained therein are "Standard" grade and the barrel fails to bear also a statement of the name of the variety, the name of the locality where grown, and the name of the packer or the person by whose authority the apples were packed and the barrel marked. (Aug. 3, 1912, sec. 5, 37 Stat. 251; 21 U. S. C., sec. 22.)

**1364. Penalty for violations of act.**—That any person, firm, or corporation, or association who shall knowingly pack or cause to be packed apples in barrels or who shall knowingly sell or offer for sale such barrels in violation of the provisions of this Act shall be liable to a penalty of one dollar and costs for each such barrel so sold or offered for sale, to be recovered at the suit of the United States in any court of the United States having jurisdiction. (Aug. 3, 1912, sec. 6, 37 Stat. 251; 21 U. S. C., sec. 23.)

**1365. Inspection of American food products for export; certificate issued upon payment of actual cost.**—For investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein: *Provided*, That hereafter no certificate of results of any such inspection shall issue unless the owner or his agent shall first pay to the Secretary of Agriculture, at a price to be determined and established by the Secretary, the actual cost of the inspection, the money received to be deposited in the Treasury of the United States as miscellaneous receipts. (Mar. 4, 1915, 38 Stat. 1102; 21 U. S. C., sec. 24.)

#### TEAS

**1366. Importation of tea inferior to standard, prohibited; bond of importer; regulation of use of inferior importation.**—It shall be unlawful for any person or persons or corporation to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section three of this Act [21 U. S. C., sec. 43], and the importation of all such merchandise is hereby prohibited: *Provided*, That nothing herein shall affect or prevent the importation into the United States,

under such regulations as the Secretary of Agriculture may prescribe, of any merchandise as tea which may be inferior in purity, quality, and fitness for consumption to the standards established by the Secretary of Agriculture, or of any tea waste, tea siftings, or tea sweepings, for the sole purpose of manufacturing theine, caffeine, or other chemical products whereby the identity and character of the original material is entirely destroyed or changed; and that importers and manufacturers who import or bring into the United States such tea, tea waste, tea siftings, or tea sweepings shall give suitable bond, to be subject to the approval only of the collector of customs at the port of entry, conditioned that said imported material shall be only used for the purposes herein provided, under such regulations as may be prescribed by the Secretary of Agriculture. (Mar. 2, 1897, sec. 1, 29 Stat. 604; May 16, 1908, 35 Stat. 163; May 31, 1920, 41 Stat. 712; 21 U. S. C., sec. 41.)

**1367. Board of experts; appointment; term; vacancies; compensation.**—That immediately after the passage of this Act, and on or before February fifteenth of each year thereafter, the Secretary of Agriculture shall appoint a board to consist of seven members, each of whom shall be an expert in teas, and who shall prepare and submit to him standard samples of tea; that the persons so appointed shall be at all times subject to removal by the said Secretary, and shall serve for the term of one year; that vacancies in the said board occurring by removal, death, resignation, or any other cause shall be forthwith filled by the Secretary of Agriculture by appointment, such appointee to hold for the unexpired term; that said board shall appoint a presiding officer, who shall be the medium of all communications to or from such board; that each member of said board shall receive as compensation the sum of fifty dollars per annum, which, together with all necessary expenses while engaged upon the duty herein provided, shall be paid out of the appropriation for "expenses of collecting the revenue from customs." (Mar. 2, 1897, sec. 2, 29 Stat. 605; May 31, 1920, 41 Stat. 712; 21 U. S. C., sec. 42.)

**1368. Standards of purity; duplicate samples at customhouses and for importers and dealers.**—That the Secretary of Agriculture, upon the recommendation of the said board, shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States, and shall procure and deposit in the customhouses of the ports of New York, Chicago, San Francisco, and such other ports as he may determine, duplicate samples of such standards; that said Secretary shall procure a sufficient number of other duplicate samples of such standards to supply the importers and dealers in tea at all ports desiring the same at cost. All teas, or merchandise described as tea, of inferior purity, quality, and fitness for consumption to such standards shall be deemed within the prohibition of the first section hereof [21 U. S. C., sec. 41]. (Mar. 2, 1897, sec. 3, 29 Stat. 605; May 31, 1920, 41 Stat. 712; 21 U. S. C., sec. 43.)

**1369. Bonds of importers of teas; examination; importations at ports having no examiner.**—That on making entry at the customhouse of all teas, or merchandise described as tea, imported into the United States, the importer or consignee shall give a bond to the collector of the port that such merchandise shall not be removed from the warehouse until released by the collector, after it shall have been

duly examined with reference to its purity, quality, and fitness for consumption; that for the purpose of such examination samples of each line in every invoice of tea shall be submitted by the importer or consignee to the examiner, together with the sworn statement of such importer or consignee that such samples represent the true quality of each and every part of the invoice and accord with the specifications therein contained; or in the discretion of the Secretary of Agriculture, such samples shall be obtained by the examiner and compared by him with the standards established by this Act; and in cases where said tea, or merchandise described as tea, is entered at ports where there is no qualified examiner as provided in section seven [21 U. S. C., sec. 46], the consignee or importer shall in the manner aforesaid furnish under oath a sample of each line of tea to the collector or other revenue officer to whom is committed the collection of duties, and said officer shall also draw or cause to be drawn samples of each line in every invoice and shall forward the same to a duly qualified examiner as provided in section seven: *Provided, however,* That the bond above required shall also be conditioned for the payment of all customhouse charges which may attach to such merchandise prior to its being released or destroyed (as the case may be) under the provisions of this Act. (Mar. 2, 1897, sec. 4, 29 Stat. 605; May 31, 1920, 41 Stat. 712; 21 U. S. C., sec. 44.)

**1370. Permit for delivery; retention of inferior grades; reexamination; partial delivery.**—That if, after an examination as provided in section four [21 U. S. C., sec. 44], the tea is found by the examiner to be equal in purity, quality, and fitness for consumption to the standards hereinbefore provided, and no reexamination shall be demanded by the collector as provided in section six [21 U. S. C., sec. 47], a permit shall at once be granted to the importer or consignee declaring the tea free from the control of the customs authorities; but, if on examination such tea, or merchandise described as tea, is found, in the opinion of the examiner, to be inferior in purity, quality, and fitness for consumption to the said standards the importer or consignee shall be immediately notified, and the tea, or merchandise described as tea, shall not be released by the customhouse, unless on a reexamination called for by the importer or consignee the finding of the examiner shall be found to be erroneous: *Provided,* That should a portion of the invoice be passed by the examiner, a permit shall be granted for that portion and the remainder held for further examination, as provided in section six [21 U. S. C., sec. 47]. (Mar. 2, 1897, sec. 5, 29 Stat. 605; 21 U. S. C., sec. 45.)

**1371. United States Board of Tea Appeals; permit for delivery; exportation or destruction of inferior grades.**—That in case the collector, importer, or consignee shall protest against the finding of the examiner, the matter in dispute shall be referred for decision to the United States Board of Tea Appeals, to consist of three employees of the Department of Agriculture, to be designated by the Secretary of Agriculture, and if such board shall, after due examination, find the tea in question to be equal in purity, quality, and fitness for consumption to the proper standards, a permit shall be issued by the collector for its release and delivery to the importer; but if upon such final reexamination by such board the tea shall be found to be inferior in purity, quality, and fitness for consumption to the said standards, the importer or consignee shall give a bond, with security satisfactory

to the collector, to export said tea, or merchandise described as tea, out of the limits of the United States within a period of six months after such final reexamination; and if the same shall not have been exported within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed. (Mar. 2, 1897, sec. 6, 29 Stat. 606; May 31, 1920, 41 Stat. 712; 21 U. S. C., sec. 47.)

**1372. Examiners; examination according to usages of trade.**—That the examination herein provided for shall be made by a duly qualified examiner at a port where standard samples are established, and where the merchandise is entered at ports where there is no qualified examiner, the examination shall be made at that one of said ports which is nearest the port of entry, and that for this purpose samples of the merchandise, obtained in the manner prescribed by section four of this Act [21 U. S. C., sec. 44], shall be forwarded to the proper port by the collector or chief officer at the port of entry; that in all cases of examination or reexamination of teas, or merchandise described as tea, by examiners of the United States Board of Tea Appeals under the provisions of this Act, the purity, quality, and fitness for consumption of the same shall be tested according to the usages and customs of the tea trade, including the testing of an infusion of the same in boiling water, and, if necessary, chemical analysis. (Mar. 2, 1897, sec. 7, 29 Stat. 606; May 31, 1920, 41 Stat. 712; 21 U. S. C., sec. 46.)

**1373. Reexamination; advice of experts.**—That in cases of reexamination of teas, or merchandise described as teas, by the United States Board of Tea Appeals in pursuance of the provisions hereof, samples of the tea, or merchandise described as tea, in dispute, for transmission to such board for its decision, shall be put up and sealed by the examiner in the presence of the importer or consignee if he so desires, and transmitted to such board, together with a copy of the finding of the examiner, setting forth the cause of condemnation and the claim or ground of the protest of the importer relating to the same, such samples, and the papers therewith, to be distinguished by such mark that the same may be identified; that the decision of such board shall be in writing, signed by them, and transmitted, together with the record and samples, within three days after the rendition thereof, to the collector, who shall forthwith furnish the examiner and the importer or consignee with a copy of said decision or finding. The United States Board of Tea Appeals herein provided for shall be authorized to obtain the advice, when necessary, of persons skilled in the examination of teas, who shall each receive for his services in any particular case a compensation not exceeding five dollars. Mar. 2, 1897, sec. 8, 29 Stat. 606; May 31, 1920, 41 Stat. 712; 21 U. S. C., sec. 48.)

**1374. Forfeiture of rejected teas reimported.**—That no imported teas which have been rejected by a customs examiner or by the United States Board of Tea Appeals, and exported under the provisions of this Act, shall be reimported into the United States under the penalty of forfeiture for a violation of this prohibition. (Mar. 2, 1897, sec. 9, 29 Stat. 606; May 31, 1920, 41 Stat. 712; 21 U. S. C., sec. 49.)

**1375. Regulations.**—That the Secretary of Agriculture shall have the power to enforce the provisions of this Act by appropriate regulations. (Mar. 2, 1897, sec. 10, 29 Stat. 607; May 31, 1920, 41 Stat. 712; 21 U. S. C., sec. 50.)

## FILLED MILK

**1376. Definitions.**—That whenever used in this Act—

(a) The term "person" includes an individual, partnership, corporation, or association;

(b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia; and

(c) The term "filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. This definition shall not include any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk, or cream: *Provided*, That such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than sixteen and one-half ounces and bearing a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them. (Mar. 4, 1923, sec. 1, 42 Stat. 1486; 21 U. S. C., sec. 61.)

**1377. Manufacture, shipment, or delivery for shipment in interstate commerce prohibited.**—It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk. (Mar. 4, 1923, sec. 2, 42 Stat. 1487; 21 U. S. C., sec. 62.)

**1378. Penalty for violation of law; acts of agents.**—Any person violating any provision of this Act shall upon conviction thereof be subject to a fine of not more than \$1,000 or imprisonment of not more than one year, or both; except that no penalty shall be enforced for any such violation occurring within thirty days after this Act becomes law. When construing and enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure, of such individual, partnership, corporation, or association, as well as of such person. (Mar. 4, 1923, sec. 3, 42 Stat. 1487; 21 U. S. C., sec. 63.)

**1379. Secretary of Agriculture authorized to make regulations.**—The Secretary of Agriculture is hereby authorized and directed to make and enforce such regulations as may in his judgment be necessary to carry out the purposes of this Act. (Aug. 27, 1935, Public 350, 74th Cong.)

## ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

**1380. Meat inspection—**(1) Inspection of meat and meat-food products; examination of cattle before slaughtering; diseased animals slaughtered separately and carcasses examined.—That hereafter, for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture, as herein provided for.

(2) Post-mortem examination of carcasses, and marking; destruction of condemned carcasses; reinspection.—That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia for transportation or sale as articles of interstate or foreign commerce; and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled as "Inspected and passed;" and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection, shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become unsound, unhealthful, unwholesome, or in any way unfit for human food, and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

(3) Examination of carcasses, etc., brought into slaughtering establishments, and meat food products issued from and returned thereto.—

The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained.

(4) **Inspectors of meat food products; destruction of condemned products; products for export.**—That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat, or meat food products unsound, unhealthful, unwholesome, or unfit for human food; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That subject to the rules and regulations of the Secretary of Agriculture the provisions hereof in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this Act [21 U. S. C., secs. 71-94].

(5) **Labeling receptacles or coverings of meat or meat food products; sales under false names forbidden; trade names.**—That when any meat or meat food product prepared for interstate or foreign commerce which has been inspected as hereinbefore provided and marked "Inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained, the person, firm, or corporation preparing said product shall cause a label to

be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "inspected and passed" under the provisions of this Act; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector, and no such meat or meat food products shall be sold or offered for sale by any person, firm, or corporation in interstate or foreign commerce under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary of Agriculture are permitted.

(6) **Sanitary inspection and regulation of slaughtering and packing establishments; rejection of meat or meat food products unfit for food.**—The Secretary of Agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, and goats are slaughtered and the meat and meat food products thereof are prepared for interstate or foreign commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged, as "inspected and passed."

(7) **Examination of cattle and food products thereof, slaughtered and prepared during nighttime.**—That the Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate or foreign commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products is conducted during the nighttime.

(8) **Transportation of carcasses, meat, or meat food products not properly inspected and marked.**—That on and after October first, nineteen hundred and six, no person, firm, or corporation shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined, and marked as "Inspected and passed", in accordance with the terms of this Act and with the rules and regulations prescribed by the Secretary of Agriculture: *Provided*, That all meat and meat food products on hand on October first, nineteen

hundred and six, at establishments where inspection has not been maintained or which have been inspected under existing law, shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe, and then shall be allowed to be sold in interstate or foreign commerce.

(9) **Forgery, alteration, or unauthorized use of labels, or other identification devices or certificates.**—That no person, firm, or corporation, or officer, agent, or employee thereof, shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy, or fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in this Act, or in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product, or containers thereof, subject to the provisions of this Act, or any certificate in relation thereto, authorized or required by this Act or by the said rules and regulations of the Secretary of Agriculture.

(10) **Inspection of animals for export.**—That the Secretary of Agriculture shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended and offered for export to foreign countries at such times and places, and in such manner as he may deem proper, to ascertain whether such cattle, sheep, swine, and goats are free from disease.

(11) **Inspectors of cattle for export; certificates of condition.**—And for this purpose he may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle, sheep, swine, and goats are found.

(12) **No clearance to vessel carrying cattle for export without inspector's certificate.**—And no clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such cattle, sheep, swine, or goats has a certificate from the inspector herein authorized to be appointed, stating that the said cattle, sheep, swine, or goats are sound and healthy, or unless the Secretary of Agriculture shall have waived the requirement of such certificate for export to the particular country to which such cattle, sheep, swine, or goats are to be exported.

(13) **Inspection of carcasses meat of which is intended for export.**—That the Secretary of Agriculture shall also cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper.

(14) **Inspectors of carcasses meat of which is intended for export.**—And for this purpose he may appoint inspectors who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found.

(15) **No clearance to vessel carrying meat for export without inspector's certificate.**—And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed after the passage of this Act, or except as hereinbefore provided for exports to and sale in a foreign country from any port of the United States,

until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of this Act a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, or goats or meats are to be exported.

(16) **Delivery of inspectors' certificates and of copies.**—That the inspectors provided for herein shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as herein described; and one copy of every certificate granted under the provisions of this Act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

(17) **Transportation or sale of meat or meat food products without complying with provisions of inspection law.**—That no person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell any such meat or meat-food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, or operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have complied with all of the provisions of this Act.

(18) **Offenses; penalty.**—That any person, firm, or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine of not exceeding ten thousand dollars or imprisonment for a period of not more than two years, or by both such fine and imprisonment, in the discretion of the court.

(19) **Inspectors to make examinations provided for; appointment; duties; regulations.**—That the Secretary of Agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, and goats, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided

for; and shall perform such other duties as are provided by this Act and by the rules and regulations to be prescribed by said Secretary of Agriculture; and said Secretary of Agriculture shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this Act, and all inspections and examinations made under this Act shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary of Agriculture not inconsistent with the provisions of this Act.

(20) **Bribery of or gifts to inspectors or other officers, and acceptance of gifts.**—That any person, firm, or corporation, or any agent or employee of any person, firm, or corporation who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the United States authorized to perform any of the duties prescribed by this Act or by the rules and regulations of the Secretary of Agriculture any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty herein provided for, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than five thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee of the United States authorized to perform any of the duties prescribed by this Act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in interstate or foreign commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than one thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years.

(21) **Inspection provisions not applicable to farmers or retailers; sale of meat or meat food products unfit for food.**—That the provisions of this Act requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported as interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: *Provided*, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment for a period of not exceeding one year or by both such fine and imprisonment: *Provided also*, That the Secretary of Agriculture is authorized to maintain the inspection in this Act provided for at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers

and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this Act shall apply notwithstanding this exception. (Mar. 4, 1907, 34 Stats. 1260-1265; 21 U. S. C., secs. 71-92.)

**1381. Extension of meat-inspection provisions to inspection of reindeer.**—That the provisions of the meat-inspection law [21 U. S. C., secs. 71-92] may be extended to the inspection of reindeer. (June 30, 1914, 38 Stat. 420; 21 U. S. C., sec. 94.)

**1382. Inspection of dairy products for export.**—That the Act of March third, eighteen hundred and ninety-one, as amended March second, eighteen hundred and ninety-five, [21 U. S. C., secs. 71-94] for the inspection of live cattle and products thereof, shall be deemed to include dairy products intended for exportation to any foreign country, and the Secretary of Agriculture may apply, under rules and regulations to be prescribed by him, the provisions of said Act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said Act relating to live cattle, and products thereof for export shall apply to dairy products so inspected and certified. (May 23, 1908, 35 Stat. 254; 21 U. S. C., sec. 94a.)

**1383. Marking horse meat transported in interstate commerce.**—No person, firm, or corporation or officer, agent, or employee thereof shall transport or offer for transportation, and no carrier of interstate or foreign commerce, shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia or to any place under the jurisdiction of the United States or to any foreign country any of such meat or food products thereof unless plainly and conspicuously labeled, marked, branded, or tagged "Horse-meat" or "Horse-meat Product" as the case may be, under such rules and regulations as may be prescribed by the Secretary of Agriculture. All the penalties, terms, and provisions in said [Meat Inspection] Act, as amended [21 U. S. C., secs. 71-94], except the exemption therein applying to animals slaughtered by any farmer on a farm, to retail butchers and retail dealers in meat food products supplying their customers are hereby made applicable to horses, their carcasses, parts of carcasses, and meat food products thereof, and the establishments and other places where such animals are slaughtered or the meat or meat food products thereof are prepared or packed for the interstate or foreign commerce, and to all persons, firms, corporations and officers, agents, and employees thereof who slaughter such animals or prepare or handle such meat or meat food products for interstate or foreign commerce. (July 24, 1919, 41 Stat. 241; 21 U. S. C., sec. 96.)

#### IMPORTATION OF CATTLE AND QUARANTINE

**1384. Suspension of importation of all animals.**—That whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation, as the public good may require;

and during the time of such suspension the importation of any such animals shall be unlawful. (Aug. 30, 1890, sec. 9, 26 Stat. 416; 21 U. S. C., sec. 101.)

**1385. Quarantine of imported cattle.**—That the Secretary of Agriculture be, and is hereby, authorized, at the expense of the owner, to place and retain in quarantine all neat cattle, sheep, and other ruminants, and all swine, imported into the United States, at such ports as he may designate for such purpose, and under such conditions as he may by regulation prescribe, respectively, for the several classes of animals above described; and for this purpose he may have and maintain possession of all lands, buildings, animals, tools, fixtures, and appurtenances now in use for the quarantine of neat cattle, and hereafter purchase, construct, or rent as may be necessary, and he may appoint veterinary surgeons, inspectors, officers, and employees by him deemed necessary to maintain such quarantine, and provide for the execution of the other provisions of this act. (Aug. 30, 1890, sec. 7, 26 Stat. 416; 21 U. S. C., sec. 102.)

**1386. Importation, except at quarantine ports, prohibited; slaughter of infected animals; appraisal; payment.**—That the importation of all animals described in this act into any port in the United States, except such as may be designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, as quarantine stations, is hereby prohibited; and the Secretary of Agriculture may cause to be slaughtered such of the animals named in this act as may be, under regulations prescribed by him, adjudged to be infected with any contagious disease, or to have been exposed to infection so as to be dangerous to other animals; and that the value of animals so slaughtered as being so exposed to infection but not infected may be ascertained by the agreement of the Secretary of Agriculture and owners thereof, if practicable; otherwise, by the appraisal by two persons familiar with the character and value of such property, to be appointed by the Secretary of Agriculture, whose decision, if they agree, shall be final; otherwise, the Secretary of Agriculture shall decide between them, and his decision shall be final; and the amount of the value thus ascertained shall be paid to the owner thereof out of money in the Treasury appropriated for the use of the Bureau of Animal Industry; but no payment shall be made for any animal imported in violation of the provisions of this act. If any animal[s] subject to quarantine according to the provisions of this act are brought into any port of the United States where no quarantine station is established the collector of such port shall require the same to be conveyed by the vessel on which they are imported or are found to the nearest quarantine station, at the expense of the owner. (Aug. 30, 1890, sec. 8, 26 Stat. 416; 21 U. S. C., sec. 103.)

**1387. Importation of diseased animals prohibited.**—That the importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is hereby prohibited: *Provided*, That the Secretary of Agriculture within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a

misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States. (Aug. 30, 1890, sec. 6, 26 Stat. 416; June 28, 1926, sec. 2, 44 Stat. 775; Feb. 28, 1931, sec. 2, 46 Stat. 1460; 21 U. S. C., sec. 104.)

**1388. Inspection of animals imported or intended for export.**—That the Secretary of Agriculture shall cause careful inspection to be made by a suitable officer of all imported animals described in this act, to ascertain whether such animals are infected with contagious diseases or have been exposed to infection so as to be dangerous to other animals, which shall then either be placed in quarantine or dealt with according to the regulations of the Secretary of Agriculture; and all food, litter, manure, clothing, utensils, and other appliances that have been so related to such animals on board ship as to be judged liable to convey infection shall be dealt with according to the regulations of the Secretary of Agriculture; and the Secretary of Agriculture may cause inspection to be made of all animals described in this act intended for exportation, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all barges or other vessels used in the conveyance of such animals intended for export to the ocean steamer or other vessels, and of all attendants and their clothing, and of all head-ropes and other appliances used in such exportation, by such orders and regulations as he may prescribe; and if, upon such inspection, any such animals shall be adjudged, under the regulations of the Secretary of Agriculture, to be infected or to have been exposed to infection so as to be dangerous to other animals, they shall not be allowed to be placed upon any vessel for exportation; the expense of all the inspection and disinfection provided for in this section to be borne by the owners of the vessels on which such animals are exported. (Aug. 30, 1890, sec. 10, 26 Stat. 417; 21 U. S. C., sec. 105.)

#### PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

**1389. Regulations by the Secretary to prevent the spread of contagious animal diseases in the United States through interstate or foreign commerce.**—That the Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion. (Feb. 2, 1903, sec. 2, 32 Stat. 792; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 111.)

**1390. Investigation as to pleuro-pneumonia and other diseases; regulations.**—That in order to promote the exportation of livestock and/or live poultry from the United States the Secretary of Agriculture shall make special investigation as to the existence of pleuro-pneumonia, or any contagious, infectious, or communicable disease, along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which livestock and/or live poultry are exported, and shall, from time to time, establish such regulations concerning the exportation and transportation of livestock and/or live poultry as the results of said investigations may require. (May 29, 1884, sec. 4, 23 Stat. 32; Feb. 2, 1903, sec. 1, 32 Stat. 791; Feb. 7, 1928, 45 Stat. 59; U. S. C., sec. 112.)

**1391. Live poultry; inclusion within provisions of sections relating to Bureau of Animal Industry and to regulation of contagious and infectious diseases among animals.**—That the Act entitled "An Act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals," approved May 29, 1884, as amended, the Act entitled "An Act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock and for other purposes," approved February 2, 1903, and the Act entitled "An Act to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes," approved March 3, 1905, as amended [7 U. S. C., sec. 391; 21 U. S. C., secs. 111-115, 117-128, 130], are hereby further amended to include within their provisions live poultry, and wherever in the said Act the term "live stock" is used it shall be followed by the words "and/or live poultry"; and all the penalties, terms, and provisions in said Acts, as amended, are hereby made applicable to live poultry. (Feb. 7, 1928, 45 Stat. 59.)

**1392. Measures to prevent exportation of diseased livestock and live poultry.**—That to prevent the exportation from any port of the United States to any port in a foreign country of live stock and/or live poultry affected with any contagious, infectious, or communicable disease, and especially pleuro-pneumonia, the Secretary of Agriculture be, and he is hereby, authorized to take such steps and adopt such measures, not inconsistent with the provisions of this act, as he may deem necessary. (May 29, 1884, sec. 5, 23 Stat. 32; Feb. 2, 1903, sec. 1, 32 Stat. 791; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 113.)

**1393. Regulations for suppression of diseases; cooperation of States and Territories.**—That it shall be the duty of the Secretary of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Secretary of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia

or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Secretary of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Secretary of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another. (May 29, 1884, sec. 3, 23 Stat. 32; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 114.)

**1394. Transportation of diseased livestock and live poultry prohibited; splenetic fever.**—That no railroad company within the United States, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation or transport from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock and/or live poultry affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuropneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any livestock and/or live poultry, knowing them to be affected with any contagious, infectious, or communicable disease; nor shall any person, company, or corporation drive on foot, or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock and/or live poultry, knowing them to be affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuropneumonia: *Provided*, That until May 1, 1928, cattle infested with or exposed to cattle fever ticks may be shipped in interstate commerce for immediate slaughter after one dipping in accordance with such regulations as the Secretary of Agriculture may prescribe. (May 29, 1884, sec. 6, 23 Stat. 32; June 28, 1926, sec. 1, 44 Stat. 774; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 115.)

**1395. Shipment for immediate slaughter permitted of cattle reacting to tuberculin test.**—Cattle which have reacted to the tuberculin test may be shipped, transported, or moved from one State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with such rules and regulations as shall be prescribed by the Secretary of Agriculture: *And provided further*, That hereafter the Secretary of Agriculture may, in his discretion, and under such rules and regulations as he may prescribe, permit cattle which have been shipped for breeding or feeding purposes from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, and which have reacted to the tuberculin test subsequent to such shipment, to be reshipped in interstate commerce to the original owner. (May 31, 1920, 41 Stat. 699; 21 U. S. C., sec. 116.)

**1396. Notice to railroads in infected localities; transportation of diseased stock.**—That it shall be the duty of the Secretary of Agriculture to notify, in writing, the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or through any infected locality, and by publication in such newspapers as he may select, of the existence of said contagion; and any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of or person having control over such cattle or other live stock and/or live poultry within such infected district, who shall knowingly violate the provisions of section six of this act [21 U. S. C., sec. 115], shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred nor more than five thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. (May 29, 1884, sec. 7, 23 Stat. 32; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 117.)

**1397. Duty of District Attorneys.**—That it shall be the duty of the several United States district attorneys to prosecute all violations of this act which shall be brought to their notice or knowledge by any person making the complaint under oath; and the same shall be heard before any district or circuit court of the United States or Territorial court holden within the district in which the violation of this act has been committed. (May 29, 1884, sec. 9, 23 Stat. 33; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 118.)

**1398. Agents to examine and report on methods of treating animals, and means for suppression of diseases.**—That the Secretary of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business men familiar with questions pertaining to commercial transactions in live stock and/or live poultry whose duty it shall be, under the instructions of the Secretary of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other dangerous contagious, infectious, and communicable diseases. The compensation of said agents shall be at the rate of ten dollars per diem, with all necessary expenses, while engaged in the actual performance of their duties under this act, when absent from their usual place of business or residence as such agent. (May 29, 1884, sec 2, 23 Stat. 31; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 119.)

**1399. Regulation of exportation and transportation of infected livestock; shipments from areas suspected infected.**—That in order to enable the Secretary of Agriculture to effectually suppress and extirpate contagious pleuropneumonia, foot-and-mouth disease, and other dangerous contagious, infectious, and communicable diseases in cattle and other live stock, and to prevent the spread of such diseases, the powers conferred on the Secretary of the Treasury by sections four and five of an Act entitled "An Act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuropneumonia and other contagious diseases among domestic animals," approved May twenty-ninth, eighteen hundred and eighty-four (twenty-third

United States Statutes, thirty-one), are hereby conferred on the Secretary of Agriculture, to be exercised exclusively by him. He is hereby authorized and directed, from time to time, to establish such rules and regulations concerning the exportation and transportation of live stock and/or live poultry from any place within the United States where he may have reason to believe such diseases may exist into and through any State or Territory, including the Indian Territory, and into and through the District of Columbia and to foreign countries, as he may deem necessary, and all such rules and regulations shall have the force of law. Whenever any inspector or assistant inspector of the Bureau of Animal Industry shall issue a certificate showing that such officer had inspected any cattle or other live stock and/or live poultry which were about to be shipped, driven, or transported from such locality to another, as above stated, and had found them free from Texas or splenetic fever infection, pleuropneumonia, foot and mouth disease, or any other infectious, contagious, or communicable disease, such animals, so inspected and certified, may be shipped, driven, or transported from such place into and through any State or Territory, including the Indian Territory, and into and through the District of Columbia, or they may be exported from the United States without further inspection or the exaction of fees of any kind, except such as may at any time be ordered or exacted by the Secretary of Agriculture; and all such animals shall at all times be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department for the purposes of such inspection. (Feb. 2, 1903, sec. 1, 32 Stat. 791; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., secs. 120, 121.)

**1400. Punishment for violations.**—That any person, company, or corporation knowingly violating the provisions of this Act or the orders or regulations made in pursuance thereof shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment. (Feb. 2, 1903, sec. 3, 32 Stat. 792; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 122.)

**1401. Quarantine.**—That the Secretary of Agriculture is authorized and directed to quarantine any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he shall determine the fact that cattle or other livestock and/or live poultry in such State or Territory or District of Columbia are affected with any contagious, infectious, or communicable disease; and the Secretary of Agriculture is directed to give written or printed notice of the establishment of quarantine to the proper officers of railroad, steamboat, or other transportation companies doing business in or through any quarantined State or Territory or the District of Columbia, and to publish in such newspapers in the quarantined State or Territory or the District of Columbia, as the Secretary of Agriculture may select, notice of the established quarantine. (Mar. 3, 1905, sec. 1, 33 Stat. 1264; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 123.)

**1402. Transportation from quarantined State of stock and live poultry, except as provided, prohibited.**—That no railroad company or the owners or masters of any steam or sailing or other vessel or boat shall receive

for transportation or transport from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any cattle or other livestock and/or live poultry, except as hereinafter provided; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or to the master or owner of any boat or vessel, any cattle or other livestock and/or live poultry except as hereinafter provided; nor shall any person, company, or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance or cause to be transported in private conveyance, from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any cattle or other livestock and/or live poultry except as hereinafter provided. (Mar. 3, 1905, sec. 2, 33 Stat. 1264; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 124.)

**1403. Regulations for inspection, disinfection, certification, etc., and delivery and shipment of livestock and live poultry from quarantined State.**—That it shall be the duty of the Secretary of Agriculture, and he is hereby authorized and directed, when the public safety will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of cattle or other livestock and/or live poultry from a quarantined State or Territory or the District of Columbia, and from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia; and the Secretary of Agriculture shall give notice of such rules and regulations in the manner provided in section 2 of this Act for notice of establishment of quarantine [21 U. S. C., sec. 124]. (Mar. 3, 1905, sec. 3, 33 Stat. 1265; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 125.)

**1404. Moving livestock and live poultry from quarantined State under regulations.**—That cattle or other live stock and/or live poultry may be moved from a quarantine State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, under and in compliance with the rules and regulations of the Secretary of Agriculture, made and promulgated in pursuance of the provisions of section three of this Act [21 U. S. C., sec. 125]; but it shall be unlawful to move, or to allow to be moved, any cattle or other live stock and/or live poultry from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. (Mar. 3, 1905, sec. 4, 33 Stat. 1265; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 126.)

**1405. Punishment for violations of provisions of sections 2 or 4 of act.**—That any person, company, or corporation violating the provisions of sections two or four of this Act [21 U. S. C., secs. 124, 126] shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dol-

lars, or by imprisonment not more than one year, or by both such fine and imprisonment. (Mar. 3, 1905, sec. 6, 33 Stat. 1265; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 127.)

**1406. Extension of act March 3, 1905, to carriers in interstate commerce.**—That hereafter all the provisions of the said Act approved March third, nineteen hundred and five [21 U. S. C., secs. 123–127; 18 U. S. C., sec. 118], shall apply to any railroad company or other common carrier, whose road or line forms any part of a route over which cattle or other live stock and/or live poultry are transported in the course of shipment from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia. (June 30, 1914, 38 Stat. 419; 21 U. S. C., sec. 128.)

**1407. Pleuro-pneumonia and other contagious diseases in the District of Columbia.**—That whenever any contagious, infectious, or communicable disease affecting domestic animals, and especially the disease known as pleuro-pneumonia, shall be brought into or shall break out in the District of Columbia, it shall be the duty of the Commissioners of said District to take measures to suppress the same promptly and to prevent the same from spreading; and for this purpose the said Commissioners are hereby empowered to order and require that any premises, farm, or farms, where such disease exists, or has existed, be put in quarantine; to order all or any animals coming into the District to be detained at any place or places for the purpose of inspection and examination; to prescribe regulations for and to require the destruction of animals affected with contagious, infectious, or communicable disease, and for the proper disposition of their hides and carcasses; to prescribe regulations for disinfection, and such other regulations as they may deem necessary to prevent infection or contagion being communicated, and shall report to the Secretary of Agriculture whatever they may do in pursuance of the provisions of this section. (May 29, 1884, sec. 8, 23 Stat. 33; Feb. 7, 1928, 45 Stat. 59; 21 U. S. C., sec. 130.)

**1408. Fences along international boundary lines to keep out diseased animals.**—Hereafter the Secretary of Agriculture may permit the erection of fences along international boundary lines, but entirely within the territory of the United States, for the purpose of keeping out diseased animals. (May 26, 1910, 36 Stat. 440; 21 U. S. C., sec. 131.)

#### IMPORTATION OF MILK AND CREAM

**1410. Prohibition of importation without permit from Secretary.**—That on and after the date on which this Act takes effect the importation into the United States of milk and cream is prohibited unless the person by whom such milk or cream is shipped or transported into the United States holds a valid permit from the Secretary of Agriculture. (Feb. 15, 1927, sec. 1, 44 Stat. 1101; 21 U. S. C., sec. 141.)

**1411. Milk or cream unfit for importation.**—Milk or cream shall be considered unfit for importation (1) when all cows producing such milk or cream are not healthy and a physical examination of all such cows has not been made within one year previous to such milk being offered for importation; (2) when such milk or cream, if raw, is not produced from cows which have passed a tuberculin test applied by a duly authorized official veterinarian of the United States, or of the

country in which such milk or cream is produced, within one year previous to the time of the importation, showing that such cows are free from tuberculosis; (3) when the sanitary conditions of the dairy farm or plant in which such milk or cream is produced or handled do not score at least fifty points out of one hundred points according to the methods for scoring as provided by the score cards used by the Bureau of Dairy Industry of the United States Department of Agriculture at the time such dairy farms or plants are scored; (4) in the case of raw milk if the number of bacteria per cubic centimeter exceeds three hundred thousand and in the case of raw cream seven hundred and fifty thousand, in the case of pasteurized milk if the number of bacteria per cubic centimeter exceeds one hundred thousand, and in the case of pasteurized cream five hundred thousand; (5) when the temperature of milk or cream at the time of importation exceeds fifty degrees Fahrenheit. (Feb. 15, 1927, sec. 2, 44 Stat. 1101; 21 U. S. C., sec. 142.)

1412. Inspection, certified statement in lieu thereof; waiver of requirements of section 2; regulations, suspension, and revocation of permits.—The Secretary of Agriculture shall cause such inspections to be made as are necessary to insure that milk and cream are so produced and handled as to comply with the provisions of section 2 of this Act [21 U. S. C., sec. 142], and in all cases when he finds that such milk and/or cream is produced and handled so as not to be unfit for importation under clauses 1, 2, and 3 of section 2 of this Act [21 U. S. C., sec. 142], he shall issue to persons making application therefor permits to ship milk and/or cream into the United States: *Provided*, That in lieu of the inspections to be made by or under the direction of the Secretary of Agriculture he may, in his discretion, accept a duly certified statement signed by a duly accredited official of an authorized department of any foreign government and/or of any State of the United States or any municipality thereof that the provisions in clauses 1, 2, and 3 of section 2 of this Act have been complied with. Such certificate of the accredited official of an authorized department of any foreign government shall be in the form prescribed by the Secretary of Agriculture, who is hereby authorized and directed to prescribe such form, as well as rules and regulations regulating the issuance of permits to import milk or cream into the United States.

The Secretary of Agriculture is hereby authorized, in his discretion, to waive the requirement of section 2, paragraph 4, of this Act when issuing permits to operators of condenseries in which milk and/or cream is used when sterilization of the milk and/or cream is a necessary process: *Provided, however*, That no milk and/or cream shall be imported whose bacterial count per cubic centimeter in any event exceeds one million two hundred thousand: *Provided further*, That such requirements shall not be waived unless the farm producing such milk to be imported is within a radius of fifteen miles of the condensery in which it is to be processed: *Provided further*, That if milk and/or cream imported when the requirements of section 2, paragraph 4, have been so waived, is sold, used or disposed of in its raw state or otherwise than as condensed milk by any person, the permit shall be revoked and the importer shall be subject to fine, imprisonment, or other penalty prescribed by this Act.

The Secretary of Agriculture is directed to waive the requirements of paragraphs 2 and 5 of section 2 of this Act [21 U. S. C., sec. 142] insofar as the same relate to milk when issuing permits to operators of, or to producers for delivery to, creameries and condensing plants in the United States within twenty miles of the point of production of the milk, and who import no raw milk except for pasteurization or condensing: *Provided*, That if milk imported when the requirements of paragraphs 2 and 5 of section 2 have been so waived is sold, used, or disposed of in its raw state, or otherwise than as pasteurized, condensed, or evaporated milk by any person, the permit shall be revoked and the importer shall be subjected to fine, imprisonment, or other penalty prescribed by this Act.

The Secretary of Agriculture is hereby authorized and directed to make and enforce such regulations as may in his judgment be necessary to carry out the purpose of this Act for the handling of milk and cream, for the inspection of milk, cream, cows, barns, and other facilities used in the production and handling of milk and/or cream and the handling, keeping, transporting, and importing of milk and/or cream: *Provided, however*, That unless and until the Secretary of Agriculture shall provide for inspections to ascertain that paragraphs 1, 2, and 3 of section 2 [21 U. S. C., sec. 142] have been complied with, the Secretary of Agriculture shall issue temporary permits to any applicants therefor to ship or transport milk and/or cream into the United States.

The Secretary of Agriculture is authorized to suspend or revoke any permit for the shipment of milk or cream into the United States when he shall find that the holder thereof has failed to comply with the provisions of or has violated this Act or any of the regulations made hereunder, or that the milk and/or cream brought or shipped by the holder of such permit into the United States is not produced and handled in conformity with, or that the quality thereof does not conform to, all of the provisions of section 2 of this Act [21 U. S. C., sec. 142]. (Feb. 15, 1927, sec. 3, 44 Stat. 1102; 21 U. S. C., sec. 143.)

**1413. Unlawful receiving of imported milk or cream.**—It shall be unlawful for any person in the United States to receive milk or cream imported into the United States unless the importation is in accordance with the provisions of this Act. (Feb. 15, 1927, sec. 4, 44 Stat. 1103; 21 U. S. C., sec. 144.)

**1414. Penalties.**—Any person who knowingly violates any provision of this Act shall, in addition to all other penalties prescribed by law, be punished by a fine of not less than \$50 nor more than \$2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. (Feb. 15, 1927, sec. 5, 44 Stat. 1103; 21 U. S. C., sec. 145.)

**1415. Appropriation.**—There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$50,000 per annum, to enable the Secretary of Agriculture to carry out the provisions of this Act. (Feb. 15, 1927, sec. 6, 44 Stat. 1103; 21 U. S. C., sec. 146.)

**1416. Repeal of inconsistent laws.**—Any laws or parts of laws inconsistent herewith are hereby repealed. (Feb. 15, 1927, sec. 7, 44 Stat. 1103; 21 U. S. C., sec. 147.)

**1417. Powers of State with respect of milk or cream lawfully imported.**—Nothing in this Act is intended nor shall be construed to affect the powers of any State, or any political subdivision thereof, to regulate the shipment of milk or cream into, or the handling, sale, or other disposition of milk or cream in, such State or political subdivision after the milk and/or cream shall have been lawfully imported under the provisions of this Act. (Feb. 15, 1927, sec. 8, 44 Stat. 1103; 44 U. S. C., sec. 148.)

**1418. Definitions.**—When used in this Act—

(a) The term "person" means an individual, partnership, association, or corporation.

(b) The term "United States" means continental United States.

**VIRUSES, SERUMS, TOXINS, ANTITOXINS, AND ANALOGOUS PRODUCTS FOR  
DOMESTIC ANIMALS**

**1419. (1) Preparation and sale of worthless or harmful products for domestic animals prohibited; preparation to be in compliance with rules at licensed establishments.**—That from and after July first, nineteen hundred and thirteen, it shall be unlawful for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia, or in the Territories, or in any place under the jurisdiction of the United States, or to ship or deliver for shipment from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals, and no person, firm, or corporation shall prepare, sell, barter, exchange, or ship as aforesaid any virus, serum, toxin, or analogous product manufactured within the United States and intended for use in the treatment of domestic animals, unless and until the said virus, serum, toxin, or analogous product shall have been prepared, under and in compliance with regulations prescribed by the Secretary of Agriculture, at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Agriculture as hereinafter authorized.

**(2) Importation regulated and prohibited.**—That the importation into the United States, without a permit from the Secretary of Agriculture, of any virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and the importation of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, are hereby prohibited.

**(3) Inspection of imports; denial of entry and destruction.**—The Secretary of Agriculture is hereby authorized to cause the Bureau of Animal Industry to examine and inspect all viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are being imported or offered for importation into the United States, to determine whether such viruses, serums, toxins, and analogous products are worthless, contaminated, dangerous, or harmful, and if it shall appear that any such virus, serum, toxin, or analogous product, for use in the treatment of domestic animals, is worthless, contaminated, dangerous, or harmful, the same shall

be denied entry and shall be destroyed or returned at the expense of the owner or importer.

(4) **Regulations for preparation and sale of worthless viruses, etc.**—That the Secretary of Agriculture be, and hereby is, authorized to make and promulgate from time to time such rules and regulations as may be necessary to prevent the preparation, sale, barter, exchange, or shipment as aforesaid of any worthless, contaminated, dangerous or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and to issue, suspend, and revoke licenses for the maintenance of establishments for the preparation of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, intended for sale, barter, exchange, or shipment as aforesaid.

(5) **Permits for importation.**—The Secretary of Agriculture is hereby authorized to issue permits for the importation into the United States of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are not worthless, contaminated, dangerous, or harmful.

(6) **Licenses conditioned on permitting inspection; suspension of licenses.**—All licenses issued under authority of this Act to establishments where such viruses, serums, toxins, or analogous products are prepared for sale, barter, exchange, or shipment as aforesaid, shall be issued on condition that the licensee shall permit the inspection of such establishments and of such products and their preparation; and the Secretary of Agriculture may suspend or revoke any permit or license issued under authority of this Act, after opportunity for hearing has been granted the licensee or importer, when the Secretary of Agriculture is satisfied that such license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, or shipment as aforesaid, or the importation into the United States of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals.

(7) **Same; inspection daytime or nighttime.**—That any officer, agent, or employee of the Department of Agriculture duly authorized by the Secretary of Agriculture for the purpose may, at any hour during the daytime or nighttime, enter and inspect any establishment licensed under this Act where any virus, serum, toxin, or analogous product for use in the treatment of domestic animals is prepared for sale, barter, exchange, or shipment as aforesaid.

(8) **Offenses; punishment.**—That any person, firm, or corporation who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not exceeding \$1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. (Mar. 4, 1913, 37 Stat. 832; 21 U. S. C., secs. 151-158.)

#### FOREIGN RELATIONS AND INTERCOURSE

##### DIPLOMATIC AND CONSULAR SERVICE

**1420. Report by consuls on agricultural and horticultural industries.**—Consuls and commercial agents of the United States in foreign countries shall procure and transmit to the Department of State authentic commercial information respecting such countries, of such

character and in such manner and form and at such times as the Department may from time to time prescribe. And they shall also procure and transmit to the Department of State, for the use of the Agricultural Department, monthly reports relative to the character, condition, and prospective yields of the agricultural and horticultural industries and other fruiteries of the country in which they are respectively stationed; and the Secretary of Agriculture is hereby required and directed to embody the information thus obtained, or so much thereof as he may deem material and important, in his monthly bulletin of crop reports. (R. S., sec. 1712, Aug. 18, 1856, 11 Stat. 139; June 18, 1888, 25 Stat. 186; 22 U. S. C., sec. 80.)

**1421.** Reports as to current prices of merchandise and agricultural conditions.—Every consular officer shall furnish to the Secretary of the Treasury, as often as shall be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which he is situated; and he shall also furnish to the Secretary of the Treasury, at least once in twelve months, the prices current of all articles of merchandise, including those of the farm, the garden, and the orchard, that are imported through the port or place in which he is stationed. And he shall also report as to the character of agricultural implements in use, and whether they are imported to or manufactured in that country; as to the character and extent of agricultural and horticultural pursuits there. That part of the information thus obtained which pertains to agriculture shall be transmitted by the Secretary of the Treasury, as soon as the same shall have been received by him, to the Secretary of Agriculture, who shall include the same, or so much thereof as he may deem material and important, in his annual reports, stating the said prices in dollars and cents, and rendering tables of foreign weights and measures into their American equivalents. (R. S., sec. 1713; June 18, 1888, 25 Stat. 186; 22 U. S. C., sec. 82.)

#### PASSPORTS

**1422.** Officers and employees exempted from passport fees.—That no fee shall be collected for passports issued to officers or employees of the United States proceeding abroad in the discharge of their official duties, or to members of their immediate families. (June 4, 1920, 41 Stat. 750; 22 U. S. C., sec. 214.)

#### HIGHWAYS

##### FEDERAL HIGHWAY ACT

**1423.** Title of act.—That this Act may be cited as the Federal Highway Act. (Nov. 9, 1921, sec. 1, 42 Stat. 212; 23 U. S. C., sec. 1.)

**1424.** Definitions.—That, when used in this Act, unless the context indicates otherwise—

The term "Federal Aid Act" means the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, as amended by sections 5 and 6 of an Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes", approved February 28, 1919, and all other Acts amendatory thereof or supplementary thereto.

The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways, but shall not include any highway or street in a municipality having a population of two thousand five hundred or more as shown by the last available census, except that portion of any such highway or street along which within a distance of one mile the houses average more than two hundred feet apart.

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction of a highway, except locating, surveying, mapping, and costs of rights of way.

The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof to make it a continuous road, and of sufficient width and strength to care adequately for traffic needs.

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

The term "State funds" includes for the purposes of this Act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "bridges" includes railroad grade separations, whether by means of overhead or underpass crossings. (Nov. 9, 1921, sec. 2, 42 Stat. 212; June 19, 1922, sec. 4, 42 Stat. 660; 23 U. S. C., sec. 2.)

**1425. Powers and duties reposed in Secretary of Agriculture; cooperation; funds; maps.**—All powers and duties of the Council of National Defense under the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes", approved August 29, 1916, in relation to highway or highway transport, are hereby transferred to the Secretary of Agriculture, and the Council of National Defense is directed to turn over to the Secretary of Agriculture the equipment, material, supplies, papers, maps, and documents utilized in the exercise of such powers. The powers and duties of agencies dealing with highways in the national parks or in military or naval reservations under the control of the United States Army or Navy, or with highways used principally for military or naval purposes, shall not be taken over by the Secretary of Agriculture, but such highways shall remain under the control and jurisdiction of such agencies.

The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior, in the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations. Such sums as the Congress may hereafter authorize to be appropriated under the provisions of this section shall be apportioned among those States having more than 5 per centum of their area in the lands hereinbefore described and shall be prorated and apportioned to said States in the proportion that said lands in each

of said States is to the total area of said lands in the States eligible under the provisions of this section, and no contribution from the States shall be required in the expenditure thereof: *Provided*, That in the allocation of any such funds authorized to be appropriated under this section or any subsequent Act preference shall be given to those projects which are located on the Federal-aid highway system as the same are now or may hereafter be designated.

The Secretary of Agriculture shall prepare, publish, and distribute a map and other information, at least annually, showing the progress made in the expenditures of the funds authorized under this section. (Nov. 9, 1921, sec. 3, 42 Stat. 212; June 24, 1930, sec. 1, 46 Stat. 805; 23 U. S. C., sec. 3.)

1426. Highways within Indian reservations; construction; power of Secretary of Agriculture in cooperation with other agencies; payment.—The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this Act to the State wherein the reservation is located. (Nov. 9, 1921, sec. 3a, 42 Stat. 212; Feb. 20, 1931, sec. 1, 46 Stat. 1173; 23 U. S. C., sec. 3a.)

1427. Establishment of accounting division.—That the Secretary of Agriculture shall establish an accounting division which shall devise and install a proper method of keeping the accounts. (Nov. 9, 1921, sec. 4, 42 Stat. 213; 23 U. S. C., sec. 4.)

1428. Transfer to Secretary of Agriculture of surplus war materials suitable for highway improvement; distribution among States; portion to Secretary of Interior.—That the Secretary of War be, and he is hereby authorized and directed to transfer to the Secretary of Agriculture, upon his request, all war material, equipment and supplies now or hereafter declared surplus from stock now on hand and not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same shall be distributed among the highway departments of the several States to be used in the construction, reconstruction, and maintenance of highways, such distribution to be upon the same basis as that hereinafter provided for in this Act in the distribution of Federal-aid fund: *Provided*, That the Secretary of Agriculture, in his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction, reconstruction, and maintenance of national forest roads or other roads constructed, reconstructed, or maintained under his direct supervision: *Provided further*, That the Secretary of Agriculture is authorized to reserve from distribution to the several States not exceeding 5 per centum of the material, equipment, and supplies hereafter received from the Secretary of War, and to transfer said material, equipment, and supplies to the Secretary of the Interior for use in constructing, reconstructing, improving, and maintaining roads and trails in the national parks and monuments: *Provided*, That no charge shall be made for such transfer except such sums as may be agreed upon as being reasonable charges for freight, handling, and conditioning for efficient use. (Feb. 28, 1919, sec. 7, 40 Stat. 1201; Nov. 9, 1921, sec. 5, 42 Stat. 213; Apr. 9, 1924, sec. 3, 43 Stat. 90; 23 U. S. C., sec. 5.)

**1429.** Projects part of connected interstate system to have preference; States 7 per centum system; classes therein; approval of Secretary; increase of system mileage.—That in approving projects to receive Federal aid under the provisions of this Act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways, interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this Act.

Upon this system all Federal-aid apportionments shall be expended.

Highways which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate highways, and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other, which shall connect or correlate therewith and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal aid.

The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for.

Not more than 60 per centum of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per centum of the Federal aid apportioned to such State upon the primary or interstate highways in such State.

The Secretary of Agriculture may approve projects submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal-aid highways herein provided for if he may reasonably anticipate that such projects will become a part of such system.

Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this Act, said State through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to increase the mileage of the primary or interstate and secondary or intercounty systems by additional mileage equal to not more than 1 per centum of said total mileage of such State, and thereafter to make like increases in the mileage of said systems whenever provision has been made for the completion and maintenance of 90 per centum of the mileage of said systems previously authorized in accordance herewith. (Nov. 9, 1921, sec. 6, 42 Stat. 213; July 21, 1932, sec. 304, 47 Stat. 722; 23 U. S. C., sec. 6.)

**1430. Conditions under which Federal aid may be given to more than 7 per centum of the State highway mileage.**—The system of Federal-aid highways on which Federal funds may be expended in any State may exceed 7 per centum of the total highway mileage of such State by the mileage of roads on said system within national forest, Indian, or other Federal reservations therein. (May 21, 1928, sec. 3, 45 Stat. 683; 23 U. S. C., sec. 6a.)

**1431. Expenditure on highways within municipalities; construction of bridges within municipalities.**—Federal funds may be expended on that portion of a highway or street within a municipality having a population of two thousand five hundred or more, along which from a point on the corporate limits inwardly the houses average more than two hundred feet apart: *Provided*, That no Federal funds shall be expended for the construction of any bridge within or partly within any municipality having a population of more than thirty thousand, as shown by the latest available Federal or State census; but this limitation shall not apply in the case of an interstate bridge, including approaches, connecting such municipality in one State with a point in an adjoining State which may be within a municipality having a population of not more than ten thousand. (May 21, 1928, sec. 4, 45 Stat. 683; 23 U. S. C., sec. 6b.)

**1432. Limitations upon highway construction and bridges within municipalities; payments per mile removed.**—The limitations in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, upon highway construction, reconstruction, and bridges within municipalities and upon payments per mile which may be made from Federal funds, shall hereafter not apply. (June 18, 1934, sec. 13, 48 Stat. 995; 23 U. S. C., sec. 6c.)

**1433. State to provide funds.**—That before any project shall be approved by the Secretary of Agriculture for any State such State shall make provisions for State funds required each year of such States by this Act for construction, reconstruction, and maintenance of all Federal-aid highways within the State, which funds shall be under the direct control of the State highway department. (Nov. 9, 1921, sec. 7, 42 Stat. 214; 23 U. S. C., sec. 7.)

**1434. Adequate construction materials required.**—That only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance in each case, consideration being given to the type and character which shall be best suited for each locality and to the probable character and extent of the future traffic. (Nov. 9, 1921, sec. 8, 42 Stat. 214; 23 U. S. C., sec. 8.)

**1435. Freedom from tolls.**—That all highways constructed or reconstructed under the provisions of this Act shall be free from tolls of all kinds. (Nov. 9, 1921, sec. 9, 42 Stat. 214; 23 U. S. C., sec. 9.)

**1436. Federal aid for toll bridges.**—That notwithstanding any provision of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for

other purposes ", approved July 11, 1916, or of the Federal Highway Act, the Secretary of Agriculture may extend, on the same basis and in the same manner as in the construction of any free bridge, Federal aid under such Acts, in the construction of any toll bridge and approaches thereto, by any State or States, or political subdivision or subdivisions thereof, upon the condition that such bridge is owned and operated by such State or States, or political subdivision or subdivisions thereof, and that all tolls received from the operation thereof, less the actual cost of operation and maintenance, are applied to the repayment to the State or States, or political subdivision or subdivisions thereof, of its or their part of the cost of construction of such bridge, and upon the further condition that when the amount contributed by such State or States, or political subdivision or subdivisions thereof, in the construction of such bridge shall have been repaid from the tolls, the collection of tolls for the use of such bridge shall thereafter cease, and the same shall be maintained and operated as a free bridge. (Mar. 3, 1927, 44 Stat. 1398; 23 U. S. C., sec. 9a.)

**1437. Requirement of Federal Highway Act as to freedom from tolls not applicable to publicly owned bridges.**—That hereafter in the administration of the Federal Highway Act and Acts amendatory thereof or supplementary thereto, the first paragraph of section 9 of the Act of November 9, 1921 [23 U. S. C., sec. 9], shall not apply to publicly owned toll bridges or approaches thereto, constructed and operated by the highway department of any State, subject, however, to the condition that all tolls received from the operation of any such bridge, less the actual cost of operation and maintenance, shall be applied to the repayment of the cost of its construction, and when the cost of its construction shall have been repaid in full, such bridge thereafter shall be maintained and operated as a free bridge. (Mar. 3, 1933, 47 Stat. 1456; June 16, 1933, sec. 204 (g), 48 Stat. 204; 23 U. S. C., sec. 9b.)

**1438. Minimum width of right-of-way and wearing surface prescribed.**—That all highways in the primary or interstate system constructed after the passage of this Act shall have a right-of-way of ample width and a wearing surface of an adequate width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles. (Nov. 9, 1921, sec. 9, 42 Stat. 214; 23 U. S. C., sec. 10.)

**1439. Planting and maintaining shade trees.**—In every case in which in the judgment of the Secretary of Agriculture and the highway department of the State in question, it shall be practicable to plant and maintain shade trees along the highways authorized by said Act of November 9, 1921, and by this Act, the planting of such trees shall be included in the specifications provided in section 8 of said Act of November 9, 1921 [23 U. S. C., sec. 8]. (May 21, 1928, sec. 2, 45 Stat. 683; 23 U. S. C., sec. 10a.)

**1440. Funds apportioned to States; when made available.**—That when any State shall have met the requirements of this Act, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, approved by the Secretary of Agriculture, shall immediately make available to such State, for the purpose set forth in this Act, the sum apportioned to such State

as herein provided. (Nov. 9, 1921, sec. 10, 42 Stat. 214; 23 U. S. C., sec. 11.)

**1441.** Submission of project statements; approval; setting aside share of Federal aid by Treasury Department; percentages of Federal share specified.—That any State having complied with the provisions of this Act, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate, or secondary or intercounty highway therein. If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require; items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated cost of its construction.

That when the Secretary of Agriculture approves such surveys, plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this Act on account of such projects, which shall not exceed 50 per centum of the total estimated cost thereof, except that in the case of any State containing unappropriated public lands and nontaxable Indian lands, individual, and tribal, exceeding 5 per centum of the total area of all lands in the State, the share of the United States payable under this Act on account of such projects shall not exceed 50 per centum of the total estimated cost thereof plus a percentage of such estimated cost equal to one-half of the percentage which the area of the unappropriated public lands and nontaxable Indian lands, individual and tribal, in such State bears to the total area of such State: *Provided*, That the limitation of payments not to exceed \$15,000 per mile, under existing law, which the Secretary of Agriculture may make be, and the same is hereby, increased in proportion to the increased percentage of Federal aid authorized by this section: *Provided further*, That these provisions relative to the public-land States shall apply to all unobligated or unmatched funds appropriated by the Federal Aid Act and payment for approved projects upon which actual building construction work had not begun on the 30th day of June 1921.

*And provided further*, That in the case of any State containing unappropriated public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands in the State in which the population, as shown by the latest available Federal census, does not exceed ten per square mile of area, the Secretary of Agriculture, upon request from the State highway department of such State, may increase the share payable by the United States to any percentage up to and including the whole cost on projects on the primary system of Federal-aid highways and on projects on the secondary system when the latter is a continuation of a route on the primary system or directly connects with a route on the primary system of an adjoining State, but such State shall allocate and expend during the same fiscal year upon some other project or projects on the Federal-aid system, under the direction of the Secretary of Agriculture, the amount it would have been required to

expend upon such project. (Nov. 9, 1921, sec. 11, 42 Stat. 214; June 19, 1922, sec. 4, 42 Stat. 660; Feb. 12, 1925, sec. 4, 43 Stat. 890; May 21, 1928, 45 Stat. 683; 23 U. S. C., sec. 12.)

1442. Increase in amount of Federal aid per mile; conditions.—The limitation of payments which the Secretary of Agriculture may make is increased to \$25,000 per mile, exclusive of the cost of bridges of more than twenty feet clear span; *Provided*, That the Federal participation shall be limited to \$15,000 per mile until the original certified seven-percent system of such State shall have been surfaced: *Provided further*, That any such increase above \$15,000 per mile shall be certified by the Director of the Bureau of Public Roads and the Secretary of Agriculture as securing actual extension of the highway system or economy in its construction: *Provided further*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the Act entitled "An Act to amend the Act entitled 'An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes', approved July 11, 1916, as amended and supplemented, and for other purposes", approved November 9, 1921, as amended [23 U. S. C., sec. 12]. The provisions of this section relating to the limitation of payments per mile which the Secretary of Agriculture may make shall apply to all funds heretofore appropriated and available for payment to the States on the date of approval of this amendatory Act and to all sums hereafter appropriated for carrying out the provisions of such Act of July 11, 1916, as amended and supplemented [23 U. S. C., sec. 12]. (Apr. 4, 1930, sec. 3, 46 Stat. 141; 23 U. S. C., sec. 12a.)

1443. Construction and reconstruction.—That the construction and reconstruction of the highways or parts of highways under the provisions of this Act, and all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this Act. (Nov. 9, 1921, sec. 12, 42 Stat. 215; 23 U. S. C., sec. 13.)

1444. Payment to State; time and manner of making.—That when the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.

That the Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time

and in what amounts payments as work progresses shall be made under this Act.

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State. (Nov. 9, 1921, sec. 13, 42 Stat. 215; 23 U. S. C., sec. 14.)

**1445. Depreciation of equipment; charges credited to appropriation.**—That whenever performing authorized engineering or other services in connection with the survey, construction and maintenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned. (Mar. 3, 1933, 47 Stat. 1456; 23 U. S. C., sec. 14a.)

**1446. Failure of State to maintain highway.**—That should any State fail to maintain any highway within its boundaries after construction or reconstruction under the provisions of this Act, the Secretary of Agriculture shall then serve notice upon the State highway department of that fact, and if within ninety days after receipt of such notice said highway has not been placed in proper condition of maintenance, the Secretary of Agriculture shall proceed immediately to have such highway placed in a proper condition of maintenance and charge the cost thereof against the Federal funds allotted to such State, and shall refuse to approve any other project in such State, except as hereinafter provided.

Upon the reimbursement by the State of the amount expended by the Federal Government for such maintenance, said amount shall be paid into the Federal highway fund for reapportionment among all the States for the construction of roads under this Act, and the Secretary of Agriculture shall then approve further projects submitted by the State as in this Act provided.

Whenever it shall become necessary for the Secretary of Agriculture under the provisions of this Act to place any highway in a proper condition of maintenance the Secretary of Agriculture shall contract with some responsible party or parties for doing such work: *Provided, however,* That in case he is not able to secure a satisfactory contract he may purchase, lease, hire, or otherwise obtain all necessary supplies, equipment, and labor, and may operate and maintain such motor and other equipment and facilities as in his judgment are necessary for the proper and efficient performance of his functions. (Nov. 9, 1921, sec. 14, 42 Stat. 215; 28 U. S. C., sec. 15.)

**1447. Maps of Federal-aid roads.**—That within two years after this Act takes effect the Secretary of Agriculture shall prepare, publish, and distribute a map showing the highways and forest roads that have been selected and approved as a part of the primary or interstate, and the secondary or intercounty systems, and at least annually thereafter shall publish supplementary maps showing his program and the progress made in selection, construction, and reconstruction. (Nov. 9, 1921, sec. 15, 42 Stat. 216; 23 U. S. C., sec. 16.)

**1448. Consent given to railroads and canal companies to convey to State for highway purposes any portion of right-of-way obtained from**

**United States.**—That for the purpose of this Act the consent of the United States is hereby given to any railroad or canal company to convey to the highway department of any State any part of its right-of-way or other property in that State acquired by grant from the United States. (Nov. 9, 1921, sec. 16, 42 Stat. 216; 23 U. S. C., sec. 17.)

**1449. Appropriation of public lands for highway purposes.**—That if the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right-of-way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated. (Nov. 9, 1921, sec. 17, 42 Stat. 216; 23 U. S. C., sec. 18.)

**1450. Rules and regulations.**—That the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this Act, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon. (Nov. 9, 1921, sec. 1, 42 Stat. 216; 23 U. S. C., sec. 19.)

**1451. Reports to Congress.**—That on or before the first Monday in January of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this Act, and itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this Act. The Secretary of Agriculture shall also make such special reports as Congress may request. (Nov. 9, 1921, sec. 19, 42 Stat. 216; June 18, 1934, sec. 10, 48 Stat. 995; 23 U. S. C., sec. 20.)

**1452. Deduction for administration and research; apportionment of remainder among States.**—That so much, not to exceed  $2\frac{1}{2}$  per centum,

of all moneys hereby or hereafter appropriated for expenditure under the provisions of this Act, as the Secretary of Agriculture may deem necessary for administering the provisions of this Act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted for such purposes, available until expended.

Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purposes will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other amounts authorized by this Act apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments.

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the Act for the fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: *Provided*, That no State shall receive less than one-half of 1 per centum of each year's allotment. All moneys herein or hereafter appropriated for expenditure under the provisions of this Act shall be available until the close of the second succeeding fiscal year for which apportionment was made: *Provided further*, That any sums apportioned to any State under the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all Acts amendatory thereof and supplemental thereto, shall be available for expenditure in that State for the purpose set forth in such Acts until two years after the close of the respective fiscal years for which any such sums become available, and any amount so apportioned remaining unexpended at the end of the period during which it is available for expenditure under the terms of such Acts shall be reapportioned according to the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916: *And provided further*, That any amount apportioned under the provisions of this Act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned within sixty days thereafter to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and the State highway departments in the same way as if it were being apportioned under this Act for the first time. (Nov. 9, 1921, sec. 21, 42 Stat. 217; 23 U. S. C., sec. 21.)

**1453. Certification of disposition of appropriation.**—That within sixty days after the approval of this Act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this Act and the sums which he has apportioned to each State for the fiscal year ending June 30, 1922, and on or before January 20 next preceding the commencement of each succeeding fiscal year, and shall make like certificates for each fiscal year. (Nov. 9, 1921, sec. 22, 42 Stat. 217; 23 U. S. C., sec. 22.)

**1454. Forest roads and trails; appropriation; manner of expenditure.**—(a) Fifty per centum, but not to exceed \$3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made for expenditure under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Puerto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Puerto Rico, according to the area and value of the land owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

(c) The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

(d) Construction work on forest roads or trails estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provisions of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work. (Nov. 9, 1921, sec. 23, 42 Stat. 218; 23 U. S. C., sec. 23.)

**1455. Approval of projects in States not permitted to provide for highways.**—That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this Act, if he shall find that said State has complied with the provisions of this Act insofar as its existing constitution and laws will permit. (Nov. 9, 1921, sec. 24, 42 Stat. 218; June 19, 1922, sec. 4, 42 Stat. 661; Feb. 12, 1925, sec. 5, 43 Stat. 889; 23 U. S. C., sec. 24.)

**1456. Partial invalidity of act.**—That if any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the Act and of the application of such provision to other persons or circumstances shall not be affected thereby. (Nov. 9, 1921, sec. 25, 42 Stat. 219; 23 U. S. C., sec. 25.)

#### MISCELLANEOUS PROVISIONS

**1457. Provisions for Federal aid to States in construction of highways extended to Territory of Hawaii; projects to be preferred.**—That beginning with the fiscal year ending June 30, 1925, the Territory of Hawaii shall be entitled to share in appropriations now or which may hereafter become available for apportionment under the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, known as the Federal Highway Act, and any Act amendatory thereof or supplementary thereto [23 U. S. C., secs. 1-25], upon the same terms and conditions as any of the several States, and such Territory shall be included in the calculations to determine the basis of apportionment of such funds: *Provided*, That in approving road projects in such Territory to receive Federal aid, the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate system of highways for the national defense or which will connect seaports with units of the national parks: *Provided further*, That the system of roads on which Federal-aid apportionments to the Territory of Hawaii shall be expended may be determined and agreed upon by the governor of said Territory and the Secretary of Agriculture without regard to the limitations in section 6 of the Federal Highway Act [23 U. S. C., sec. 6] respecting the selection and designation of such system of roads; and when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions: *And provided further*, That there is authorized to be paid from funds heretofore authorized, appropriated, allocated, and unobligated under the Federal Highway Act a sum not to exceed \$880,000 for the purpose of road construction in the Territory of

Hawaii, which sum equals the amount such Territory would have received for roads built and incorporated upon the 7 per centum system as approved, during the period from 1917 to 1925. The Secretary of the Treasury shall pay to the Territory of Hawaii, or to such official or depository as may be designated by it, on warrants drawn by the Secretary of Agriculture, such part of such sum as may from time to time be necessary for the construction or reconstruction of any highway in such Territory the project for which has been approved by the Secretary of Agriculture. The provisions of this Act shall in no way impair the right of such Territory to receive the benefits of the Federal Highway Act. (Mar. 10, 1924, sec. 1, 43 Stat. 17; Feb. 23, 1931, 46 Stat. 1415; 23 U. S. C., sec. 41.)

**1458. Limitation of payments.**—That the payments which the Secretary of Agriculture may make from sums appropriated under this Act or any Act amendatory thereof or supplementary thereto [23 U. S. C., secs. 1-25] after the fiscal year ending June 30, 1923, shall not exceed \$15,000 per mile exclusive of the cost of bridges of more than twenty feet of clear span: *Provided*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the Act entitled "An Act to amend the Act entitled 'An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes'", approved November 9, 1921 [23 U. S. C., sec. 12]. (Feb. 28, 1919, sec. 5, 40 Stat. 1200; June 19, 1922, sec. 4, 42 Stat. 660; 23 U. S. C., sec. 42.)

**1459. Time of apportionment.**—Immediately upon the passage of this Act and thereafter not later than January 1, of each year, the Secretary of Agriculture is authorized to apportion among the several States, as provided in section 21 of the Federal Highway Act, approved November 9, 1921, the \$75,000,000 herein authorized to be apportioned for the fiscal year ending June 30, 1926, and on or before January 1 next preceding the commencement of each succeeding fiscal year he shall make like apportionment of the appropriation herein authorized, or which may hereafter be authorized, for each fiscal year. (Feb. 12, 1925, sec. 1, 43 Stat. 889; 23 U. S. C., sec. 43.)

**1460. Appropriations available for discharging obligations.**—The appropriations now or hereafter made for the purpose of carrying out the provisions of the Act of July 11, 1916, and statutes amendatory thereof and supplemental thereto [23 U. S. C., secs. 1-25] shall be considered available for the purpose of discharging the obligations created by the approval of projects. (Jan. 22, 1923, 42 Stat. 1157; 23 U. S. C., sec. 45.)

**1461. False statements, etc., as to highway projects; penalty.**—If any officer, agent, or employee of the United States, or any officer, agent, or employee of any State or Territory, or any person, association, firm, or corporation, or any officer or agent of any person, association, firm, or corporation shall knowingly make any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any project submitted for ap-

proval to the Secretary of Agriculture under the provisions of the Federal Highway Act, or shall knowingly make any false statement, false representation, or false report or claim for work or materials for the construction of any project approved by the Secretary of Agriculture under said Federal Highway Act and all amendments thereto, or shall knowingly make any false statement or false representation in any report required to be made under said Federal Highway Act or Acts supplementary thereto with the intent to defraud the United States shall, upon conviction thereof, be punished by imprisonment not to exceed five years or by a fine not to exceed \$10,000, or by both fine and imprisonment within said limits. (June 19, 1922, sec. 4, 42 Stat. 661; 23 U. S. C., sec. 46.)

**1462. Partial invalidity of provisions.**—If any provision of this section, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the section and the application of such provision to other persons or circumstances shall not be affected thereby. (June 19, 1922, sec. 4, 42 Stat. 661.)

**1463. Maintenance of roads constructed.**—To maintain the roads constructed under the provisions of this Act [23 U. S. C.] shall be the duty of the States, or their civil subdivisions, according to the laws of the several States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this Act [23 U. S. C.] is not being properly maintained he shall give notice of such fact to the highway department of such State and if within four months from the receipt of said notice said road has not been put in a proper condition of maintenance then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State, or the civil subdivision thereof, as the fact may be, whose duty it is to maintain said road, until it has been put in a condition of proper maintenance. (July 11, 1916, sec. 7, 39 Stat. 358; 23 U. S. C., sec. 48.)

**1464. Exchange, reclamation, and disposition of explosives.**—That the Secretary of Agriculture may exchange deteriorated explosives or explosive components, obtained by transfer from the Secretary of War for distribution among the States and for use in the improvement of roads under his direct supervision, for explosives or explosive products in condition for immediate use. The Secretary of Agriculture is further authorized, by contract or otherwise, to reclaim by reworking, reconditioning, cartridging, or otherwise converting into usable form such deteriorated explosives or explosive components as can not be so exchanged, and to pay the cost thereof out of available administrative funds authorized by the Federal Highway Act approved November 9, 1921, and Acts amendatory thereof or supplementary thereto [23 U. S. C.]. The Secretary of Agriculture, in his discretion, may transfer to any department or agency of the Federal Government such of the materials acquired from such exchanges, and also such of the explosives or explosive components as may be reworked, reconditioned, cartridged, or otherwise converted hereunder, as may be required by any such department or agency for use in its authorized activities: *Provided*, That the charges incident to the storage, handling, protection, ex-

change, reworking, reconditioning, cartridgeing, or conversion of such explosives or explosive components as may be certified by the Secretary of Agriculture to have been incurred against said administrative funds shall be reimbursed, said funds pro rata by the department or agency of the Federal Government, the State, or other agency receiving such explosives or explosive products. (Feb. 12, 1925, sec. 3, 43 Stat. 890; 23 U. S. C., sec. 49.)

**1465.** Transfer of motor-propelled vehicles pertaining to Military Establishment to Department of Agriculture for highway improvement.—That the Secretary of War be, and he is hereby, authorized and directed to transfer such motor-propelled vehicles and motor equipment, including spare parts, pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes, to (a) the Department of Agriculture, for use in the improvement of highways and roads under the provisions of section 7 of the Act approved February 28, 1919, entitled "An Act making appropriations for the service of the Post Office Department, for the fiscal year 1920, and for other purposes": *Provided, however,* That no more motor-propelled vehicles, motor equipment, and other war material, equipment, and supplies, the transfer of which is authorized in this Act [23 U. S. C., secs. 51, 52] shall be transferred to the Department of Agriculture for the purposes named in section 7 of said Act than said Department of Agriculture shall certify can be efficiently used for such purposes within a reasonable time after such transfer. (Mar. 15, 1920, sec. 1, 41 Stat. 530; 23 U. S. C., sec. 51.)

**1466.** Transfer of specified surplus material, equipment, and supplies pertaining to Military Establishment to Department of Agriculture, for highway improvement.—That the Secretary of War is hereby authorized and directed to transfer to the Department of Agriculture, under the provisions of section 7 of the Act approved February 28, 1919, entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes", for use in the improvement of highways and roads, as therein provided, the following war material, equipment, and supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and not required for military purposes, to wit, road rollers, graders, and oilers; sprinkling wagons; concrete mixers; derricks; pile-driver outfits complete; air and steam drill outfits; centrifugal and diaphragm pumps with power; rock crushers; clamshell and orange-peel buckets; road scarifiers; caterpillar and drag-line excavators; plows; cranes; trailers; rubber and steam hose; asphalt plants; steam shovels; dump wagons; hoisting engines; air-compressor outfits with power; boilers; drag, Fresno, and wheel scrapers; stump pullers; wheelbarrows; screening plants; wagon loaders; blasting machines; hoisting cable; air hose; corrugated-metal culverts; explosives and exploders; engineers' transits, levels, tapes, and similar supplies and equipment; drafting machines; planimeters; fabricated bridge materials; industrial railway equipment; conveyors, gravity and power; donkey engines; corrugated-metal roofing; steel and iron pipe; wagons and similar equipment and supplies such as are used directly for road-building purposes. (Mar. 15, 1920, sec. 2, 41 Stat. 530; 23 U. S. C., sec. 52.)

**1467. Freight and incidental charges incurred in transfer of property.**—That freight charges incurred in the transfer of the property provided for in this Act [23 U. S. C., secs. 51, 52, 52a] shall not be defrayed by the War Department, and if the War Department shall load any of said property for shipment the expense of said loading shall be reimbursed the War Department by the Department to which the property is transferred by an adjustment of the appropriations of the two departments. (Mar. 15, 1920, sec. 4, 41 Stat. 531; 23 U. S. C., sec. 52a.)

**1468. Title to vehicles, etc., vested in State.**—That the title to said vehicles and equipment shall be and remain vested in the State for use in the improvement of the public highways, and no such vehicles and equipment in serviceable condition shall be sold or the title to the same transferred to any individual, company, or corporation: *Provided*, That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred herein to the Department of Agriculture, may, in its discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental which shall not be less than the cost of maintenance and repair of said vehicles and equipment. (Mar. 15, 1920, sec. 3, 41 Stat. 531; 23 U. S. C., sec. 53.)

**1469. Engineering service; performance by Secretary of Agriculture on request of any branch of Government; payment.**—That hereafter, the Secretary of Agriculture is authorized upon the request of any branch of the Federal Government, to perform any engineering service in connection with the survey, construction, maintenance, or improvement of roads, payment of the salaries and expenses of employees so engaged, and of the cost of transportation, repairs, and replacements of equipment and supplies of the Department of Agriculture used in such work to be made by transfer of funds in the manner provided by section 7 of the Act approved May 21, 1920 (Forty-first Statutes, page 613) [31 U. S. C., sec. 686]. (Jan. 18, 1927, 44 Stat. 997; 23 U. S. C., sec. 54.)

**1470. Materials transferred by Secretary of War to Secretary of Agriculture for highway use; title to remain in State.**—That the Secretary of War be, and he is hereby, authorized and directed to transfer to the Department of Agriculture under the provisions of section 7 of the Act approved February 28, 1919, entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes", and Acts amendatory thereto for use in the improvement of highways and roads as therein provided, the following war materials, machinery, and equipment pertaining to the Military Establishment out of the reserve stocks of the said Military Establishment, to wit: One hundred five-ton caterpillar tractors complete with tools and spare parts; and one thousand motor trucks, three-quarter to five ton capacity. The freight charges incurred in the transfer of the property provided for in this provision shall be defrayed by the Department of Agriculture, and if the War Department shall load any of the said property for shipment, the expense of said loading shall be reimbursed to the War Department by the Department of Agriculture by an

adjustment of the appropriations of the two departments. The title to said materials, machinery, and equipment shall be and remain vested in the State for use in the improvement of the public highways, and no such materials, machinery, and equipment in serviceable condition shall be sold or the title to the same transferred to any individual, company, or corporation. (Mar. 4, 1925, 43 Stat. 1281.)

**1471. Advance funds for emergency construction of highways; deduction from regular apportionments.**—That the amounts so advanced [for expenditure in emergency construction on the Federal-aid highway system] shall be reimbursed to the Federal Government over a period of ten years, commencing with the fiscal year 1938, by making annual deductions from regular apportionments made from future authorizations for carrying out the provisions of such Act, as amended and supplemented. (July 21, 1932, 47 Stat. 716; Mar. 3, 1933, 47 Stat. 1457.)

**1472. Federal aid extended only to States using on roads lawful amounts of taxes derived from automobiles.**—Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts now provided by law for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Agriculture shall promulgate from time to time: *Provided*, That in no case shall the provisions of this section operate to deprive any State of more than one-third of the amount to which that State would be entitled under any apportionment hereafter made, for the fiscal year for which the apportionment is made. (June 18, 1934, sec. 12, 48 Stat. 995; 23 U. S. C., sec. 55.)

**1473. Deductions not to be made on account of prior advances or loans to States.**—No deductions shall hereafter be made on account of prior advances and/or loans to the States for the construction of roads under the requirements of the Federal Highway Act \* \* \*. (June 18, 1934, sec. 14, 48 Stat. 996; 23 U. S. C., sec. 56.)

### INDIANS

#### AGREEMENTS WITH INDIANS

#### CONTRACTS WITH INDIANS

**1474. Interest of agents and employees in Indian contracts.**—That no agent or employee of the United States Government, or of any of the Departments thereof, while in the service of the Government, shall have any interest, directly or indirectly, contingent or absolute, near or remote, in any contract made, or under negotiation, with the Government, or with the Indians, for the purchase or transportation or delivery of goods or supplies for the Indians, or for the removal of the Indians; nor shall any such agent or employee col-

lude with any person who may attempt to obtain any such contract for the purpose of enabling such person to obtain the same. The violation of any of the provisions of this section shall be a misdemeanor, and shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, and by removal from office; and, in addition thereto, the court shall, in its discretion, have the power to punish by imprisonment of not more than six months. (June 22, 1874, sec. 10, 18 Stat. 177; 25 U. S. C., sec. 87.)

#### ALLOTMENT OF INDIAN LANDS

**1475.** Carson National Forest, protection of watershed.—That for the purpose of safeguarding the interests and welfare of the tribe of Indians known as the "Pueblo de Taos of New Mexico" in the certain lands hereinafter described, upon which lands said Indians depend for water supply, forage for their domestic livestock, wood and timber for their personal use and as the scene of certain of their religious ceremonials, the Secretary of Agriculture may and he hereby is authorized and directed to designate and segregate said lands, which shall not thereafter be subject to entry under the land laws of the United States, and to thereafter grant to said Pueblo de Taos, upon application of the governor and council thereof, a permit to occupy said lands and use the resources thereof for the personal use and benefit of said tribe of Indians for a period of fifty years, with provision of subsequent renewals if the use and occupancy by said tribe of Indians shall continue, the provisions of the permit are met and the continued protection of the watershed is required by public interest. Such permit shall specifically provide for and safeguard all rights and equities hitherto established and enjoyed by said tribe of Indians under any contracts or agreements hitherto existing, shall authorize the free use of wood, forage, and lands for the personal or tribal needs of said Indians, shall define the conditions under which natural resources under the control of the Department of Agriculture not needed by said Indians shall be made available for commercial use by the Indians or others, and shall establish necessary and proper safeguards for the efficient supervision and operation of the area for national forest purposes and all other purposes herein stated, the area referred to being described as follows:

Beginning at the northeast corner of the Pueblo de Taos grant, thence northeasterly along the divide between Rio Pueblo de Taos and Rio Lucero and along the divide between the Rio Pueblo de Taos and Red River to a point a half mile east of Rio Pueblo de Taos; thence southwesterly on a line half mile east of Rio Pueblo de Taos and parallel thereto to the northwest corner of township 25 north, range 15 east; thence south on the west boundary of township 25 north, range 15 east, to the divide between Rio Pueblo de Taos and Rio Fernandez de Taos; thence westerly along the divide to the east boundary of the Pueblo de Taos grant; thence north to the point of beginning; containing approximately thirty thousand acres, more or less. (May 31, 1933, sec. 4, 48 Stat. 109.)

**1476.** Allotments within national forests to Indians.—That the Secretary of the Interior is hereby authorized, in his discretion, to make allotments within the national forests in conformity with the general allotment laws as amended by section — of this Act, to any Indian occupying, living on, or having improvements on land included within

any such national forest who is not entitled to an allotment on any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof. All applications for allotments under the provisions of this section shall be submitted to the Secretary of Agriculture, who shall determine whether the lands applied for are more valuable for agricultural or grazing purposes than for the timber found thereon; and if it be found that the lands applied for are more valuable for agricultural or grazing purposes, then the Secretary of the Interior shall cause allotment to be made as herein provided. (June 25, 1918, sec. 31, 36 Stat. 863; 25 U. S. C., sec. 337.)

#### INTERNAL REVENUE

##### INCOME TAX

###### RETURNS AND PAYMENT OF TAX

**1477. Information at source; payments of \$1,000 or more.**—All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, and employers, making payment to another person, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in section 148 (a) or 149), of \$1,000 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by him with the approval of the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payments. (May 10, 1934, sec. 147, 48 Stat. 746; 26 U. S. C., sec. 147.)

##### OLEOMARGARINE, ADULTERATED BUTTER, AND PROCESS OR RENOVATED BUTTER

**1478. Butter defined.**—That for the purposes of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter. (Aug. 2, 1886, sec. 1, 24 Stat. 209; 26 U. S. C., sec. 990.)

**1479. Oleomargarine defined.**—That for the purposes of this Act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine", namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil or fish fat, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat;—if (1) made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter, or (3) churned, emulsified, or mixed in cream, milk, water, or

other liquid, and containing moisture in excess of 1 per centum or common salt. This section shall not apply to puff-pastry shortening not churned or emulsified in milk or cream, and having a melting point of one hundred and eighteen degrees Fahrenheit or more, nor to any of the following containing condiments and spices: salad dressings, mayonnaise dressings, or mayonnaise products nor to liquid emulsion, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds. (Aug. 2, 1886, sec. 2, 24 Stat. 209; July 10, 1930, sec. 1, 46 Stat. 1022; 26 U. S. C., sec. 970.)

**1480. Manufacturers of, or dealers in, oleomargarine.**—That special taxes are imposed as follows:

Manufacturers of oleomargarine shall pay six hundred dollars. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer of oleomargarine.

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any substance which causes such oleomargarine to be yellow in color, determined as provided in subsection (b) of section 8 [26 U. S. C., sec. 971 (a), par. 2], shall also be held to be a manufacturer of oleomargarine within the meaning of this Act and subject to the provisions thereof.

Wholesale dealers in oleomargarine shall pay four hundred and eighty dollars. Every person who sells or offers for sale oleomargarine in the original manufacturer's packages shall be deemed a wholesale dealer in oleomargarine. But any manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells only oleomargarine of his own production, at the place of manufacture, in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in oleomargarine on account of such sales.

Retail dealers in oleomargarine shall pay forty-eight dollars. Every person who sells oleomargarine in less quantities than ten pounds at one time shall be regarded as a retail dealer in oleomargarine. And sections thirty-two hundred and thirty-two, thirty-two hundred and thirty-three, thirty-two hundred and thirty-four, thirty-two hundred and thirty-five, thirty-two hundred and thirty-six, thirty-two hundred and thirty-seven, thirty-two hundred and thirty-eight, thirty-two hundred and thirty-nine, thirty-two hundred and forty, thirty-two hundred and forty-one, and thirty-two hundred and forty-three of the Revised Statutes of the United States are so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the thirtieth day of June in any year, the special tax shall be reckoned from the first day of July in that year, and shall be five hundred dollars. *Provided further*, That wholesale dealers who vend no other oleomargarine or butterine except that upon which a tax of one-fourth of one percent per pound is imposed by this Act, as amended [26 U. S. C., sec 971a], shall pay two hundred dollars; and such retail dealers as vend no other oleomargarine or butterine

except that upon which is imposed by this Act, as amended, a tax of one-fourth of one cent per pound shall pay six dollars. (Aug. 2, 1886, sec. 3, 24 Stat. 209; May 9, 1902, sec. 2, 32 Stat. 194; Mar. 4, 1931, sec. 1, 46 Stat. 1549; 26 U. S. C., secs. 1360, 1413, 972-974.)

**1481.** Manufacturers and dealers in oleomargarine carrying on business without permit; penalty.—That every person who carries on the business of a manufacturer of oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand and not more than five thousand dollars; and every person who carries on the business of a wholesale dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than five hundred nor more than two thousand dollars; and every person who carries on the business of a retail dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each and every offense. (Aug. 2, 1886, sec. 4, 24 Stat. 209; 26 U. S. C., sec. 1361.)

**1482.** Manufacturer's statement of business; inventories, bonds, books, returns.—That every manufacturer of oleomargarine shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of materials and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than five thousand dollars; and the sum of said bond may be increased from time to time, and additional sureties required at the discretion of the collector, or under instructions of the Commissioner of Internal Revenue. (Aug. 2, 1886, sec. 5, 24 Stat. 210; 26 U. S. C., sec. 972.)

**1483.** Packing; retailing; penalty for violation of law.—That all oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden, tin-plate, or paper packages, not before used for that purpose, containing, or encased in a manufacturer's package made from any of such materials of, not less than ten pounds and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of oleomargarine and wholesale dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine must sell only from original stamped packages, in quantities, not exceeding ten pounds, and shall pack, or cause to be packed, the oleomargarine sold by them in suitable wooden, tin-plate, or paper packages which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden, tin-plate, or paper packages as above described, or who packs in

any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law shall be fined for each offense not more than \$1,000, and be imprisoned not more than two years. (Aug. 2, 1886, sec. 6, 24 Stat. 210; Oct. 1, 1918, 40 Stat. 1008; Feb. 24, 1933, sec. 1, 47 Stat. 902; 26 U. S. C., secs. 972-974, 978.)

**1484. Label and notice on package.**—That every manufacturer of oleomargarine shall securely affix, by pasting, on each package containing oleomargarine manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—The manufacturer of the oleomargarine herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of oleomargarine who neglects to affix such label to any package containing oleomargarine made by him, or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined fifty dollars for each package in respect to which such offense is committed. (Aug. 2, 1886, sec. 7, 24 Stat. 210; 26 U. S. C., secs. 972, 978.)

**1485. Manufacturer's tax.**—(a) Upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax at the rate of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof; except that such tax shall be at the rate of 10 cents per pound in the case of oleomargarine which is yellow in color.

(b) For the purposes of subsection (a) and of section 3, oleomargarine shall be held to be yellow in color when it has a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in the terms of the Lovibond tintometer scale or its equivalent. Such measurements shall be made under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and such regulations shall provide that the measurements shall be applied in such manner and under such conditions as will, in the opinion of the commissioner, insure as nearly as practicable that the result of the measurement will show the color of the oleomargarine under the conditions under which it is customarily offered for sale to the consumer.

(c) The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section. (Aug. 2, 1886, sec. 8, 24 Stat. 210; May 9, 1902, sec. 3, 32 Stat. 194; Mar. 4, 1931, sec. 2, 46 Stat. 1549; 26 U. S. C., secs. 971, 983.)

**1486. Assessment of tax when sold without stamps.**—That whenever any manufacturer of oleomargarine sells, or removes for sale or consumption, any oleomargarine upon which the tax is required to be paid by stamps, without the use of the proper stamps, it shall be the

duty of the Commissioner of Internal Revenue, within a period of not more than four years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal. (Aug. 2, 1886, sec. 9, 24 Stat. 211; Feb. 26, 1926, sec. 1109 (a), 44 Stat. 114; 26 U. S. C., sec. 971.)

**1487. Imported oleomargarine.**—That all oleomargarine imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal-revenue tax of fifteen cents per pound, such tax to be represented by coupon stamps as in the case of oleomargarine manufactured in the United States. The stamps shall be affixed and canceled by the owner or importer of the oleomargarine while it is in the custody of the proper custom-house officers; and the oleomargarine shall not pass out of the custody of said officers until the stamps have been so affixed and canceled, but shall be put up in wooden packages, each containing not less than ten pounds, as prescribed in this act for oleomargarine manufactured in the United States, before the stamps are affixed; and the owner or importer of such oleomargarine shall be liable to all the penal provisions of this act prescribed for manufacturers of oleomargarine manufactured in the United States. Whenever it is necessary to take any oleomargarine so imported to any place other than the public stores of the United States for the purpose of affixing and canceling such stamps, the collector of customs of the port where such oleomargarine is entered shall designate a bonded warehouse to which it shall be taken, under the control of such customs officer as such collector may direct; and every officer of customs who permits any such oleomargarine to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto, shall be guilty of a misdemeanor, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years. Every person who sells or offers for sale any imported oleomargarine, or oleomargarine purporting or claimed to have been imported, not put up in packages and stamped as provided by this act, shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years. (Aug. 2, 1886, sec. 10, 24 Stat. 211; 26 U. S. C., secs. 976, 978.)

**1488. Purchasing oleomargarine when not branded or stamped.**—That every person who knowingly purchases or receives for sale any oleomargarine which has not been branded or stamped according to law shall be liable to a penalty of fifty dollars for each such offense. (Aug. 2, 1886, sec. 11, 24 Stat. 211; 26 U. S. C., sec. 978.)

**1489. Purchasing from manufacturer who has not paid tax.**—That every person who knowingly purchases or receives for sale any oleomargarine from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of one hundred dollars, and to a forfeiture of all articles so purchased or received, or of the full value thereof. (Aug. 2, 1886, sec. 12, 24 Stat. 211; 26 U. S. C., secs. 978, 979.)

**1490. Destruction of stamps on emptied packages.**—That whenever any stamped package containing oleomargarine is emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps thereon; and any person who willfully neglects or refuses so to do shall for each such offense be fined not exceeding fifty dollars and imprisoned not less than ten days nor more than six months. And any person who fraudulently gives away or accepts from another, or who sells, buys, or uses for packing oleomargarine, any such stamped package, shall for each such offense be fined not exceeding one hundred dollars and be imprisoned not more than one year. Any revenue officer may destroy any emptied oleomargarine package upon which the tax-paid stamp is found. (Aug. 2, 1886, sec. 13, 24 Stat. 211; 26 U. S. C., secs. 975, 978.)

**1491. Chemists and microscopists; salary; decisions.**—That there shall be in the office of the Commissioner of Internal Revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury, and the Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ chemists and microscopists, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose. And such Commissioner is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed under this act; and his decision in matters of taxation under this act shall be final. The Commissioner may also decide whether any substance made in imitation or semblance of butter, and intended for human consumption, contains ingredients deleterious to the public health; but in case of doubt or contest his decisions in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture; and the decisions of this board shall be final in the premises. (Aug. 2, 1886, sec. 14, 24 Stat. 212; Feb. 9, 1889, 25 Stat. 659; 26 U. S. C., secs. 1717, 1718, 981.)

**1492. Oleomargarine; forfeiture; removal of stamp.**—That all packages of oleomargarine subject to tax under this act that shall be found without stamps or marks as herein provided, and all oleomargarine intended for human consumption which contains ingredients adjudged, as hereinbefore provided, to be deleterious to the public health, shall be forfeited to the United States. Any person who shall willfully remove or deface the stamps, marks, or brands on a package containing oleomargarine taxed as provided herein shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than two thousand dollars, and by imprisonment for not less than thirty days nor more than six months. (Aug. 2, 1886, sec. 15, 24 Stat. 212; 26 U. S. C., secs. 978, 979.)

**1493. Same; exportation; regulations.**—That oleomargarine may be removed from the place of manufacture for export to a foreign country without payment of tax or affixing stamps thereto, under such regulations and the filing of such bonds and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person who shall export oleomargarine shall brand upon every tub, firkin, or other package containing such article the word "oleomargarine", in plain Roman

letters not less than one-half inch square. (Aug. 2, 1886, sec. 16, 24 Stat. 212; 26 U. S. C., sec. 977.)

**1494. Same; fraud by manufacturer.**—That whenever any person engaged in carrying on the business of manufacturing oleomargarine defrauds, or attempts to defraud, the United States of the tax on the oleomargarine produced by him, or any part thereof, he shall forfeit the factory and manufacturing apparatus used by him, and all oleomargarine and all raw material for the production of oleomargarine found in the factory and on the factory premises, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than three years. (Aug. 2, 1886, sec. 17, 24 Stat. 212; 26 U. S. C., secs. 978, 979.)

**1495. Failure to comply with law.**—That if any manufacturer of oleomargarine, any dealer therein, or any importer or exporter thereof shall knowingly or willfully omit, neglect, or refuse to do, or cause to be done, any of the things required by law in the carrying on or conducting of his business, or shall do anything by this act prohibited, if there be no specific penalty or punishment imposed by any other section of this act for the neglecting, omitting, or refusing to do, or for the doing or causing to be done, the thing required or prohibited, he shall pay a penalty of one thousand dollars; and if the person so offending be the manufacturer of or a wholesale dealer in oleomargarine, all the oleomargarine owned by him, or in which he has any interest as owner, shall be forfeited to the United States. (Aug. 2, 1886, sec. 18, 24 Stat. 212; 26 U. S. C., secs. 978, 979.)

**1496. Recovery of fines.**—That all fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction. (Aug. 2, 1886, sec. 19, 24 Stat. 212; 26 U. S. C., sec. 980.)

**1497. Regulations.**—That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for the carrying into effect of this act. (Aug. 2, 1886, sec. 20, 24 Stat. 212; 26 U. S. C., sec. 1691.)

**1498. Effective date of Act.**—That this act shall go into effect on the ninetieth day after its passage; and all wooden packages containing ten or more pounds of oleomargarine found on the premises of any dealer on or after the ninetieth day succeeding the date of the passage of this act shall be deemed to be taxable under section eight of this act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this act or by regulations made pursuant to this act; and for the purposes of securing the affixing of the stamps, marks, and brands required by this act, the oleomargarine shall be regarded as having been manufactured and sold, or removed from the manufactory for consumption or use, on or after the day this act takes effect; and such stock on hand at the time of the taking effect of this act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps. (Aug. 2, 1886, sec. 21, 24 Stat. 212.)

**1499. Oleomargarine, adulterated butter, etc.; transported into a State subject to its police powers.**—That all articles known as oleomargarine, butterine, imitation, process, renovated, or adulterated butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. (May 9, 1902, sec. 1, 32 Stat. 193; 21 U. S. C., sec. 25.)

#### ADULTERATED AND RENOVATED BUTTER

**1500. Definitions; special taxes; carrying on business without paying; manufacturer's statement of business; packing and sale of adulterated butter; label on package; stamps; oleomargarine laws applicable to adulterated butter.**—That for the purpose of this Act "butter" is hereby defined to mean an article of food as defined in "An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine", approved August second, eighteen hundred and eighty six [26 U. S. C., sec. 990]; that "adulterated butter" is hereby defined to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter or butterfat, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, or any butter or butterfat with which there is mixed any substance foreign to butter as herein defined, with intent or effect of cheapening in cost the product or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream; that "process butter" or "renovated butter" is hereby defined to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting "adulterated butter" as defined by this Act.

That special taxes are imposed as follows:

Manufacturers of process or renovated butter shall pay fifty dollars per year and manufacturers of adulterated butter shall pay six hundred dollars per year. Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

Wholesale dealers in adulterated butter shall pay a tax of four hundred and eighty dollars per annum, and retail dealers in adulterated butter shall pay a tax of forty-eight dollars per annum. Every per-

son who sells adulterated butter in less quantities than ten pounds at one time shall be regarded as a retail dealer in adulterated butter.

Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter. And sections thirty-two hundred and thirty-two, thirty-two hundred and thirty-three, thirty-two hundred and thirty-four, thirty-two hundred and thirty-five, thirty-two hundred and thirty-six, thirty-two hundred and thirty-seven, thirty-two hundred and thirty-eight, thirty-two hundred and thirty-nine, thirty-two hundred and forty, thirty-two hundred and forty-one, and thirty-two hundred and forty-three of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed.

That every person who carries on the business of a manufacturer of process or renovated butter or adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand and not more than five thousand dollars; and every person who carries on the business of a dealer in adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each offense.

That every manufacturer of process or renovated butter or adulterated butter shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material and products, shall put up such signs and affix such number of his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than five hundred dollars; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

That all adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden, tin-plate, or paper packages not before used for that purpose, containing, or encased in a manufacturer's package made from any of such materials of, not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and all sales made by manufacturers of adulterated butter shall be in original, stamped packages.

Dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from same shall be placed in suitable wooden, tin-plate, or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter in any other form than in new wooden, tin-plate, or paper packages as above described, or who

packs in any package any adulterated butter in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than one thousand dollars and be imprisoned not more than two years.

That every manufacturer of adulterated butter shall securely affix, by pasting, on each package containing adulterated butter manufactured by him a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—That the manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of adulterated butter who neglects to affix such label to any package containing adulterated butter made by him, or sold or offered for sale for or by him, and every person who removes any such label so affixed from any such package shall be fined fifty dollars for each package in respect to which such offense is committed.

That upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of ten cents per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound, and that upon process or renovated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of one cent per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound. The tax to be levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to the stamps provided by this section.

That the provisions of sections nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and twenty-one [26 U. S. C., secs. 971 (c) (2), 975 to 981] of "An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine", approved August second, eighteen hundred and eighty-six, shall apply to manufacturers of "adulterated butter" to an extent necessary to enforce the marking, branding, identification, and regulation of the exportation and importation of adulterated butter. (May 9, 1902, sec. 4, 32 Stat. 194; Feb. 24, 1933, sec. 2, 47 Stat. 902; 26 U. S. C., secs. 990-993, 996, 997, 1366, 1367, 1413, 1691.)

**1501. Cattle and meat inspection laws applicable; inspection of process or renovated butter.**—All parts of an Act providing for an inspection of meats for exportation, approved August thirtieth, eighteen hundred and ninety, and of an Act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March third, eighteen hundred and ninety-one, and of amendment thereto approved March second, eighteen hundred and ninety-five [21 U. S. C., secs. 71-94,] which are applicable to the subjects and purposes described in this

section shall apply to process or renovated butter. And the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market, and of the products thereof and materials going into the manufacture of the same. All process or renovated butter and the packages containing the same shall be marked with the words "Renovated Butter" or "Process Butter" and by such other marks, labels, or brands and in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section. The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made. And he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health or unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States or in course of exportation or shipment he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court. (May 9, 1902, sec. 5, 32 Stat. 196; 26 U. S. C., secs. 995, 997.)

**1502. Wholesale dealers; books and returns.**—That wholesale dealers in oleomargarine, process, renovated, or adulterated butter shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than fifty dollars and not exceeding five hundred dollars, and imprisoned not less than thirty days nor more than six months. (May 9, 1902, sec. 6, 32 Stat. 197; 26 U. S. C., secs. 973, 978, 994.)

**1503. Effective date of act.**—This Act shall take effect on the first day of July, nineteen hundred and two. (May 9, 1902, sec. 7, 32 Stat. 197.)

**1504. Sanitary regulation of renovated-butter factories.**—That the sanitary provisions for slaughtering, meat canning, or similar establishments, as set forth in the Act of June thirtieth, nineteen hundred and six (Thirty-fourth Statutes, page six hundred and seventy-six) [21 U. S. C., secs. 71-94], are hereby extended to cover renovated-butter factories as defined in the Act of May ninth, nineteen hundred and two (Thirty-second Statutes, page one hundred and ninety-six) [26 U. S. C., secs. 990-996], under such regulations as the Sec-

retary of Agriculture may prescribe. (Aug. 10, 1912, 37 Stat. 273; 26 U. S. C., sec. 997.)

#### COTTON FUTURES

**1505.** Short title of act.—That this Act shall be known by the short title of the "United States cotton futures Act". (Aug. 11, 1916, 39 Stat. 476; sec. 1, 26 U. S. C., sec. 1106.)

**1506.** Definitions; liability of principal for act of agent.—That, for the purposes of this Act, the term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. That the word "person", wherever used in this Act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person. (Aug. 11, 1916, sec. 2, 39 Stat. 476; 26 U. S. C., secs. 1101, 1102.)

**1507.** Tax on contracts of sale of cotton for future delivery made at any exchange, etc.—That upon each contract for sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there is hereby levied a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract. (Aug. 11, 1916, sec. 3, 39 Stat. 476; 26 U. S. C., sec. 090.)

**1508.** Contract to be in writing; weight of bale.—That each contract of sale of cotton for future delivery mentioned in section three of this Act [26 U. S. C., sec. 1090 (a)] shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall, for the purposes of this Act, be deemed to weigh five hundred pounds. (Aug. 11, 1916, sec. 4, 39 Stat. 476; 26 U. S. C., sec. 1095.)

**1509.** Exemption from tax on compliance with conditions prescribed.—That no tax shall be levied under this Act on any contract of sale mentioned in section three hereof [26 U. S. C., sec. 1090 (a)] if the contract comply with each of the following conditions:

First. Conform to the requirements of section four [26 U. S. C., sec. 1095 (a)] of, and the rules and regulations made pursuant to, this Act.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: Pro-

*vided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

Fifth. Provide that cotton that, because of the presence of extraneous matter of any character, or irregularities or defects, is reduced in value below that of low middling, or cotton that is below the grade of low middling, or, if tinged, cotton that is below the grade of strict middling, or, if yellow stained, cotton that is below the grade of good middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed", shall not be delivered on, under, or in settlement of such contract.

Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that, on the fifth business day prior to delivery, the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that, on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

Seventh. Provide that all tenders of cotton and settlements therefore under such contract shall be in accordance with the classification thereof made under the regulations of the Secretary of Agriculture by such officer or officers of the Government as shall be designated for the purpose, and the costs of such classification shall be fixed, assessed, collected, and paid as provided in such regulations. All moneys collected as such costs may be used as a revolving fund for carrying out the purposes of this subdivision, and section nineteen of this Act [26 U. S. C., sec. 1096 (b) (2)] is amended accordingly.

The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton futures Act, section five."

The Secretary of Agriculture is authorized to prescribe regulations for carrying out the purposes of the seventh subdivision of

this section, and the certificates of the officers of the Government as to the classification of any cotton for the purposes of said subdivision shall be accepted in the courts of the United States in all suits between the parties to such contract, or their privies, as *prima facie* evidence of the true classification of the cotton involved. (Aug. 11, 1916, sec. 5, 39 Stat. 476; Mar. 4, 1919, sec. 6, 40 Stat. 1351; May 31, 1920, sec. 1, 41 Stat. 725; 26 U. S. C., sec. 1092.)

**1510. Determination of allowances on deliveries differing from basis grade.**—That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5 [26 U. S. C., sec. 1092 (6) (a)], for the delivery of cotton on the contract, established by the sale of spot cotton in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton, in such designated five or more markets: *Provided*, That for the purpose of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades, such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture. (Aug. 11, 1916, sec. 6, 39 Stat. 478; Feb. 26, 1927, 44 Stat. 1248; 26 U. S. C., sec. 1092 (c).)

**1511. Exemption of section 6A contracts from tax.**—That no tax shall be levied under this Act on any contract of sale mentioned in section three hereof [26 U. S. C., sec. 1092] if the contract provide that, in case cotton of grade or grades other than the basis grade specified in the contract shall be tendered in performance of the contract, the parties to such contract may agree, at the time of the tender, as to the price of the grade or grades so tendered, and that if they shall not then agree as to such price, then, and in that event, the buyer of said contract shall have the right to demand the specific fulfillment of such contract by the actual delivery of cotton of the basis grade named therein and at the price specified for such basis grade in said contract, and if the contract also comply with all the terms and conditions of section five hereof [26 U. S. C., sec. 1092] not inconsistent with this section: *Provided*, That nothing in this section shall be so construed as to relieve from the tax levied by section three of this Act [26 U. S. C., sec. 1090 (a)] any contract in which, or in the settlement of or in respect to which, any device or arrangement whatever is resorted to, or any agreement is made, for the determination or adjustment of the price of the grade or grades tendered other than the basis grade specified in the contract by any "fixed difference" system, or by arbitration, or by any other method not provided for by this Act.

Contracts made in compliance with this section shall be known as "Section six A Contracts." The provisions of this section shall be deemed fully incorporated into any such contract if there be written

or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton futures Act, section six A."

Section ten of this Act [26 U. S. C., sec. 1093 (4) (b)] shall not be construed to apply to any contract of sale made in compliance with section six A hereof [26 U. S. C., sec. 1093 (2)]. (Aug. 11, 1916, sec. 6A, 39 Stat. 478; 26 U. S. C., secs. 1093, 1094.)

**1512. Bona fide spot markets.**—That for the purposes of this Act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such, and of which he shall give public notice. (Aug. 11, 1916, sec. 7, 39 Stat. 478; 26 U. S. C., sec. 1097.)

**1513. Method of determining bona fide spot markets; penalty for false testimony.**—That in determining, pursuant to the provisions of this Act, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture, to enable him to designate at least five spot markets in accordance with section six of this Act [26 U. S. C., sec. 1092 (c)], he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event, differences in value of cotton of various grades involved in contracts made pursuant to section five of this Act [26 U. S. C., sec. 1092 (a)] shall be determined in compliance with such rules and regulations: *Provided further*, That it shall be the duty of any person engaged in the business of dealing in cotton, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly to the best of his knowledge, under oath or otherwise, all questions touching his knowledge of the number of bales, the classification, the price or bona fide price offered, and other terms of purchase or sale, of any cotton involved in any transaction participated in by him, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter. Any such person who shall, within a reasonable time prescribed by the Secretary of Agriculture or such agent, willfully fail or refuse to answer such questions or to produce such books, letters, papers, or documents, or who shall willfully give any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$500. (Aug. 11, 1916, sec. 8, 39 Stat. 479; Mar. 4, 1919, sec. 6, 40 Stat. 1352; May 31, 1920, sec. 1, 41 Stat. 725; 26 U. S. C., secs. 1097, 1099.)

**1514. Cotton standards fixed by Secretary; moneys collected for furnishing forms of standards to be covered into Treasury.**—That the

Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this Act, shall be known as the "Official cotton standards of the United States", and to adopt, change, or replace the standard for any grade of cotton established under the Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine (Thirty-fifth Statutes at Large, page two hundred and fifty-one), and Acts supplementary thereto: *Provided*, That any standard of any cotton established and promulgated under this Act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That, subsequent to six months after the date section three of this Act becomes effective, no change or replacement of any standard of any cotton established and promulgated under this Act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary. (Aug. 11, 1916, sec. 9, 39 Stat. 479; 26 U. S. C., sec. 1096.)

**1515. Exemption from tax of section 10 contracts and spot cotton sales.**—That no tax shall be levied under this Act on any contract of sale mentioned in section three hereof [26 U. S. C., sec. 1090 (a)], if the contract comply with each of the following conditions:

First. Conform to the rules and regulations made pursuant to this Act.

Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

Third. Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to the United States cotton futures Act, section ten."

This Act shall not be construed to impose a tax on any sale of spot cotton.

This section shall not be construed to apply to any contract of sale made in compliance with section five of this Act [26 U. S. C., sec. 1092]. (Aug. 11, 1916, sec. 10, 39 Stat. 479; 26 U. S. C., secs. 1091, 1094.)

**1516. Tax to be paid by stamps; affixing to contracts.**—That the tax imposed by section three of this Act [26 U. S. C., sec. 1090 (a)], shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. (Aug. 11, 1916, sec. 11, 39 Stat. 480; 26 U. S. C., sec. 1090.)

**1517. Contracts not conforming to requirements not enforceable.**—That no contract of sale of cotton for future delivery mentioned in section three of this Act [26 U. S. C., sec. 1090 (a)], which does not conform to the requirements of section four hereof [26 U. S. C., sec. 1095 (a)], and has not the necessary stamps affixed thereto as required by section eleven hereof [26 U. S. C., sec. 1090 (c)], shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies. (Aug. 11, 1916, sec. 12, 39 Stat. 480; 26 U. S. C., sec. 1095.)

**1518. Regulations for collection of tax; internal-revenue laws made applicable.**—That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this Act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in section three of this Act, including the making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section three of this Act [26 U. S. C., sec. 1090 (a)], to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this Act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents. The provisions of the internal-revenue laws of the United States, so far as applicable, including sections thirty-one hundred and seventy-three, thirty-one hundred and seventy-four, and thirty-one hundred and seventy-five of the Revised Statutes [26 U. S. C., sec. 1515], as amended, are hereby extended, and made to apply, to

this Act. (Aug. 11, 1916, sec. 13, 39 Stat. 480; 26 U. S. C., secs. 1098, 1104.)

1519. Offenses; punishment.—That any person liable to the payment of any tax imposed by this Act who fails to pay, or evades or attempts to evade the payment of such tax, and any person who otherwise violates any provision of this Act, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$100 nor more than \$20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than sixty days nor more than three years, in the discretion of the court. (Aug. 11, 1916, sec. 14, 39 Stat. 480; 26 U. S. C., sec. 1099.)

1520. Additional penalty recoverable by action; informers; prosecutions.—That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this Act, a penalty of \$2,000, to be recovered in an action founded on this Act in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys, to whom satisfactory evidence of violations of this Act is furnished, to institute and prosecute actions for the recovery of the penalties prescribed by this section. (Aug. 11, 1916, sec. 15, 39 Stat. 481; 26 U. S. C., sec. 1099.)

1521. Immunity of witnesses.—That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this Act shall withhold his testimony because of complicity by him in any violation of this Act or of any regulation made pursuant to this Act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates. (Aug. 11, 1916, sec. 16, 39 Stat. 481; 26 U. S. C., sec. 1100.)

1522. State laws and taxation unaffected.—That the payment of any tax levied by this Act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts for sale of cotton for future delivery, nor shall the payment of any tax imposed by this Act be held to prohibit any State or municipality from imposing a tax on the same transaction. (Aug. 11, 1916, sec. 17, 39 Stat. 481; 26 U. S. C., sec. 1105.)

1523. Publications of results of investigations.—The Secretary of Agriculture is hereby directed to publish from time to time the results of investigations made in pursuance of this Act. All sums collected by the Secretary of Agriculture as costs under section five, or for furnishing practical forms under section nine, of this Act, shall be deposited and covered into the Treasury as miscellaneous receipts. (Aug. 11, 1916, sec. 19, 39 Stat. 481; 26 U. S. C., secs. 1096, 1103.)

1524. Time of taking effect of act; contracts not affected by act.—That sections nine, eighteen, and nineteen of this Act and all provisions of this Act authorizing rules and regulations to be prescribed shall be effective immediately. All other sections of this Act shall become and be effective on and after the first day of the calendar month next succeeding the date of the passage of this Act: *Provided*, That nothing in this Act shall be construed to apply to any contract

of sale of any cotton for future delivery mentioned in section three of this Act which shall have been made prior to the first day of the calendar month next succeeding the date of the passage of this Act. (Aug. 11, 1916, sec. 20, 39 Stat. 481.)

**1525.** Repeal; effect.—That the Act entitled "An Act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes", approved August eighteenth, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and ninety-three), is hereby repealed, effective on and after the first day of the calendar month next succeeding the date of the passage of this Act: *Provided*, That nothing in this Act shall be construed to affect any right or privilege accrued, any penalty or liability incurred, or any proceeding commenced under said Act of August eighteenth, nineteen hundred and fourteen, or to diminish any authority conferred by said Act on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under the said Act, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said Act, or to affect any right in respect to, or arising out of, any contract mentioned in section three of said Act, made on or subsequent to February eighteenth, nineteen hundred and fifteen, and prior to the first day of the calendar month next succeeding the date of the passage of this Act, but so far as concerns any such contract said Act of August eighteenth, nineteen hundred and fourteen, shall remain in force with the same effect as if this Act had not been passed. (Aug. 11, 1916, sec. 21; 39 Stat. 482.)

**1526.** Effect of partial invalidity of act.—That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Aug. 11, 1916, sec. 22, 39 Stat. 482; 26 U. S. C., sec. 1691.)

#### NARCOTICS

**1527.** Seized opium; confiscation and disposal.—All opium, its salts, derivatives, and compounds, and coca leaves, salts, derivatives, and compounds thereof, which may now be under seizure or which may hereafter be seized by the United States Government from any person or persons charged with any violation of the Act of October 1, 1890, as amended by the Acts of March 3, 1897, February 9, 1909, and January 17, 1914, or the Act of December 17, 1914, as amended [21 U. S. C., secs. 171-184; 26 U. S. C., secs. 1040-1054], shall upon conviction of the person or persons from whom seized be confiscated by and forfeited to the United States; and the Secretary is hereby authorized to deliver for medical or scientific purposes to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulation as may be prescribed by the Commissioner, with the approval of the Secretary, any of the drugs so seized, confiscated, and forfeited to the United States.

The provisions of this section shall also apply to any of the aforesaid drugs seized or coming into the possession of the United States in the enforcement of any of the above-mentioned Acts where the owner or owners thereof are unknown. None of the aforesaid drugs coming into possession of the United States under the operation of said Acts, or the provisions of this section, shall be destroyed without certification by a committee appointed by the Commissioner, with the approval of the Secretary, that they are of no value for medical or scientific purposes. (Feb. 26, 1926, sec. 705, 44 Stat. 99; 26 U. S. C., sec. 1048b.)

#### FILLED CHEESE

**1528.** Secretary of Agriculture a member of board of appeals from decisions of Commissioner of Internal Revenue as to deleterious ingredients of filled cheese.—That the Commissioner of Internal Revenue is authorized to have applied scientific tests, and to decide whether any substances used in the manufacture of filled cheese contain ingredients deleterious to health. But in case of doubt or contest his decision in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, and the decision of this board shall be final in the premises. (June 6, 1896, sec. 15, 29 Stat. 256; 26 U. S. C., sec. 1010.)

#### JUDICIAL CODE

##### COURT OF CLAIMS

**1529.** (Judicial Code, sec. 143) Court of Claims reports.—On the first day of every regular session of Congress, the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered. At the end of every term of the court he shall transmit a copy of its decisions to the heads of departments \* \* \*. (R. S., sec. 1057; Mar. 3, 1911, 36 Stat. 1136; 28 U. S. C., sec. 248.)

**1530.** (Judicial Code, sec. 145) Jurisdiction of Court of Claims.—The Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an Executive Department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable \* \* \*.

Second. All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided*, That no suit against the Government of the United States, brought by any officer of the United States to recover fees for services alleged to have been per-

formed for the United States, shall be allowed under this chapter until an account for said fees shall have been rendered and finally acted upon as required by law, unless the General Accounting Office fails to act finally thereon within six months after the account is received in said office.

Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of loss by capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible. (R. S., sec. 1059; Mar. 3, 1887, sec. 1, 24 Stat. 505; June 27, 1898, 30 Stat. 494; July 1, 1898, 30 Stat. 649; Mar. 3, 1911, 36 Stat. 1137; June 10, 1921, 42 Stat. 24; 28 U. S. C., sec. 250.)

1531. (Judicial Code, sec. 146) Judgments for set-off or counter-claims.—Upon the trial of any cause in which any set-off, counter-claim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district court, shall be entered upon the records thereof, and shall thereby become and be a judgment of such court and be enforced as other judgments in such court are enforced. (R. S., sec. 1061; Mar. 3, 1911, 36 Stat. 1137; 28 U. S. C., sec. 252.)

1532. (Judicial Code, sec. 147) Decrees on accounts of disbursing officers.—Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the General Accounting Office shall allow to such officer the amount so decreed as a credit in the settlement of his accounts. (R. S., sec. 1062; Mar. 3, 1911, 36 Stat. 1137; June 10, 1921, sec. 304, 42 Stat. 24; 28 U. S. C., sec. 253.)

1533. (Judicial Code, sec. 148) Claims referred by departments.—When any claim or matter is pending in any of the executive departments which involves controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, documents, and proofs pertaining thereto, to the Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the department by which it was transmitted for its guidance and action: *Provided, however,* That if it shall have been transmitted with the consent of the claimant, or if it shall appear to the satisfaction of the court upon the facts established that under existing laws or the provisions of this chapter it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, in the latter case giving to either party such further opportunity for hearing as in its judgment justice shall re-

quire, and shall report its findings therein to the department by which the same was referred to said court. The Secretary of the Treasury may, upon the certificate of the Comptroller General of the United States, direct any claim or matter, of which, by reason of the subject matter or character, the said court might under existing laws, take jurisdiction on the voluntary action of the claimant, to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court for trial and adjudication. (R. S., sec. 1063; June 16, 1874, 18 Stat. 75; Mar. 3, 1883, 22 Stat. 485; Mar. 3, 1887, secs. 12, 13, 24 Stat. 507; Mar. 3, 1911, 36 Stat. 1137; June 10, 1921, sec. 304, 42 Stat. 24; 28 U. S. C., sec. 254.)

**1534.** (Judicial Code, sec. 149) **Procedure in cases transmitted by departments.**—All cases transmitted by the head of any department, or upon the certificate of the Comptroller General of the United States, according to the provisions of the preceding section, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations. (R. S., sec. 1064, Mar. 3, 1911, 36 Stat. 1138; June 10, 1921, sec. 304, 42 Stat. 24; 28 U. S. C., sec. 255.)

**1535.** (Judicial Code, sec. 150) **Judgments in cases transmitted by departments.**—The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections [28 U. S. C., secs. 254, 255], shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court. (R. S., sec. 1065; Mar. 3, 1911, 36 Stat. 1138; 28 U. S. C., sec. 256.)

**1536.** (Judicial Code, sec. 164) **Calling departments for information.**—The said court shall have power to call upon any of the departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest. (R. S., sec. 1076; Mar. 3, 1911, 36 Stat. 1140; 28 U. S. C., sec. 272.)

**1537.** (Judicial Code, sec. 172) **Claims forfeited for fraud.**—Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim or of any part of any claim against the United States shall, ipso facto, forfeit the same to the Government; and it shall be the duty of the Court of Claims, in such cases, to find specifically that such fraud was practiced or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government, and that the claimant be forever barred from prosecuting the same. (R. S., sec. 1086; Mar. 3, 1911, 36 Stat. 1141; 28 U. S. C., sec. 279.)

**1538.** (Judicial Code, sec. 178) **Payment of judgment.**—The payment of the amount due by any judgment of the Court of Claims and of any interest thereon allowed by law, as provided by law, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy. (R. S., sec. 1092; Mar. 3, 1911, 36 Stat. 1141; 28 U. S. C., sec. 285.)

**1539.** (*Judicial Code, sec. 179*) **Final judgment a bar.**—Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim or demand against the United States arising out of the matters involved in the controversy. (R. S., sec. 1093; Mar. 3, 1911, 36 Stat. 1141; 28 U. S. C., sec. 286.)

**1540.** (*Judicial Code, sec. 180*) **Ascertainment of amounts due United States by debtors.**—Whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer or agent or contractor so indebted, or that he or the person for whom he is such surety, guarantor, or personal representative has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States had arisen and exists, and that he or the person he represents has applied to the proper department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application, and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said department and to the Attorney General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court; and unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred. (Mar. 3, 1887, secs. 3, 8, 24 Stat. 505; Mar. 3, 1911, 36 Stat. 1141; 28 U. S. C., sec. 287.)

**1541. Certification; certiorari; no other review.**—(a) That in any case in the Court of Claims, including those begun under section 180 of the Judicial Code [28 U. S. C., sec. 287], that court at any time may certify to the Supreme Court any definite and distinct questions of law concerning which instructions are desired for the proper disposition of the cause; and thereupon the Supreme Court may give appropriate instructions on the questions certified and transmit the same to the Court of Claims for its guidance in the further progress of the cause.

(b) In any case in the Court of Claims, including those begun under section 180 of the Judicial Code, it shall be competent for the Supreme Court, upon the petition of either party, whether Government or claimant, to require, by certiorari, that the cause, including the findings of fact and the judgment or decree, but omitting the evidence, be certified to it for review and determination with the

same power and authority, and with like effect, as if the cause had been brought there by appeal.

(c) All judgments and decrees of the Court of Claims shall be subject to review by the Supreme Court as provided in this section, and not otherwise. (Feb. 13, 1925, sec. 3, 43 Stat. 939; 28 U. S. C., sec. 288.)

**1542. (Judicial Code, sec. 185) Appearance by Attorney General for defense.**—The Attorney General, or his assistants under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under the provisions of this chapter, with the same power to interpose counter claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is required to defend the United States in said court. (Mar. 3, 1883, 22 Stat. 486; Mar. 3, 1911, 36 Stat. 1142; 28 U. S. C., sec 291.)

#### JURIES

**1543. Exemption from jury service.**—All executive and judicial officers, salaried officers of the Government of the United States \* \* \* shall be exempt from jury duty, and their names shall not be placed on the jury lists. (Mar. 3, 1901, sec. 217, 31 Stat. 1224; 18 D. C. Code, sec. 360.)

**1543a. Same.**—All executive and judicial officers of the Government of the United States and of the District of Columbia, all officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard of the United States in active service, those connected with the police and fire departments of the United States and of the District of Columbia, counselors and attorneys at law in actual practice \* \* \* shall be exempt from jury duty, and their names shall not be placed on the jury lists.

All other persons, otherwise qualified according to law whether employed in the service of the Government of the United States or of the District of Columbia, all officers and enlisted men of the National Guard of the District of Columbia, both active and retired, all officers and enlisted men of the Military, Naval, Marine, and Coast Guard Reserve Corps of the United States, all notaries public, all postmasters and those who are the recipients or beneficiaries of a pension or other gratuity from the Federal or District Government or who have contracts with the United States or the District of Columbia, shall be qualified to serve as jurors in the District of Columbia and shall not be exempt from such service: *Provided*, That employees of the Government of the United States or of the District of Columbia in active service who are called upon to sit on juries shall not be paid for such jury service but their salary shall not be diminished during their term of service by virtue of such service, nor shall such period of service be deducted from any leave of absence authorized by law.\* (Mar. 3, 1901, sec. 217, 31 Stat. 1224; Aug. 22, 1935, Public 301, 74th Cong.)

#### PROVISIONS COMMON TO MORE THAN ONE COURT

**1544. Printing, binding, and distribution of reports and digests; (Judicial Code, sec. 227).**—The reports provided for in section 225 [28

\* Declared invalid by United States Court of Appeals for the District of Columbia, in so far as it affects Federal employees. (Raymond Wood v. United States, Mar. 25, 1936.)

U. S. C., sec. 332] shall be printed, bound, and issued within eight months after said decisions have been rendered by the Supreme Court, and within said period the Attorney General shall distribute copies of said Supreme Court reports as follows: \* \* \* the Secretary of Agriculture, \* \* \* each Assistant Secretary of each of the executive departments, \* \* \* the Forester and Chief of Forest Service, Department of Agriculture; \* \* \* and the heads of such other executive offices as may be provided by law of equal grade with any of said offices, each one copy; \* \* \*

The Attorney General shall distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them; \* \* \*. Said reports and digests shall remain the property of the United States and shall be preserved by the officers above named and by them turned over to their successors in office. (R. S., sec. 683; Mar. 3, 1911, 36 Stat. 1154; July 1, 1922, 42 Stat. 816; Jan. 29, 1929, 45 Stat. 1143; 28 U. S. C., sec. 334.)

#### EVIDENCE

**1545. Depositions, acknowledgments, and affidavits taken by notaries public.**—That notaries public of the several States, Territories, and the District of Columbia be, and they are hereby, authorized to take depositions, and do all other acts in relation to taking testimony to be used in the courts of the United States, take acknowledgments and affidavits, in the same manner and with the same effect as commissioners of the United States circuit court may now lawfully take or do. (Aug. 15, 1876, 19 Stat. 206; 28 U. S. C., sec. 642.)

**1546. Departmental records; admissibility.**—(a) Copies of any books, records, papers, or other documents in any of the executive departments, or of any corporation all of the stock of which is beneficially owned by the United States, either directly or indirectly, shall be admitted in evidence equally with the originals thereof, when duly authenticated under the seal of such department or corporation, respectively.

(b) Books or records of account in whatever form, and minutes (or portions thereof) of proceedings, of any such executive department or corporation, or copies of such books, records, or minutes authenticated under the seal of such department or corporation, shall be admissible as evidence of any act, transaction, occurrence, or event as a memorandum of which such books, records, or minutes were kept or made.

(c) The seal of any such executive department or corporation shall be judicially noticed. (R. S., sec. 882, as amended June 19, 1934, 48 Stat. 1109; 28 U. S. C., sec. 661.)

#### PROCEDURE

**1547. Survival of actions, suits, or proceedings.**—(a) That where, during the pendency of an action, suit, or other proceeding brought by or against an officer of the United States, or of the District of Columbia, or the Canal Zone, or of a Territory or an insular possession of the United States, or of a county, city, or other governmental agency of such Territory or insular possession, and relating to the present or future discharge of his official duties, such officer dies, resigns, or otherwise ceases to hold such office, it shall be competent

for the court wherein the action, suit, or proceeding is pending, whether the court be one of first instance or an appellate tribunal, to permit the cause to be continued and maintained by or against the successor in office of such officer, if within six months after his death or separation from the office it be satisfactorily shown to the court that there is a substantial need for so continuing and maintaining the cause and obtaining an adjudication of the questions involved.

(b) Similar proceedings may be had and taken where an action, suit, or proceeding brought by or against an officer of a State, or of a county, city, or other governmental agency of a State, is pending in a court of the United States at the time of the officer's death or separation from the office.

(c) Before a substitution under this section is made, the party or officer to be affected, unless expressly consenting thereto, must be given reasonable notice of the application therefor and accorded an opportunity to present any objection which he may have. (Feb. 8, 1899, 30 Stat. 822; Feb. 13, 1925, sec. 11, 43 Stat. 941; 28 U. S. C., sec. 780.)

**1548. Survival of action to recover damages.**—That no civil action to recover damages, brought by the United States or in its behalf, or in which the United States shall be directly or indirectly interested, and pending against any defendant prior to the time of his death, in any court of the United States, shall abate by reason of the death of any such defendant; but any such action shall survive and be enforceable against the estate of any such deceased defendant. This Act shall not be construed to deprive the plaintiff in any such action of any remedy which he may have against a surviving defendant. (June 16, 1933, 48 Stat. 311; 28 U. S. C., sec. 780a.)

#### MINERAL LANDS AND MINING

##### LANDS CONTAINING COAL, PHOSPHATES, PETROLEUM, OIL, OIL SHALE, GAS, SODIUM, POTASSIUM, ETC., AND BUILDING STONE

**1549. Patents for oil or gas lands not denied because of transfer before discovery of oil or gas.**—That in no case shall patent be denied to or for any lands heretofore located or claimed under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified persons or person, or corporation, prior to discovery of oil or gas therein, but if such claim is in all other respects valid and regular, patent therefor not exceeding one hundred and sixty acres in any one claim shall issue to the holder or holders thereof, as in other cases: *Provided, however,* That such lands were not at the time of inception of development on or under such claim withdrawn from mineral entry. (Mar. 2, 1911, sec. 1, 36 Stat. 1015; 30 U. S. C., sec. 103.)

**1550. Agreements with applicants for patents as to disposition of oil or gas or proceeds thereof, pending determination of title thereto.**—That where applications for patents have been or may hereafter be offered for any oil or gas land included in an order of withdrawal upon which oil or gas has heretofore been discovered, or is being produced, or upon which drilling operations were in actual progress on October third, nineteen hundred and ten, and oil or gas is there-

after discovered thereon, and where there has been no final determination by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law. Any money which may accrue to the United States under the provisions of this Act [30 U. S. C., secs. 103, 104] from lands within the Naval Petroleum Reserves shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of a fund to be known as the Navy Petroleum Fund, which fund shall be applied to the needs of the Navy as Congress may from time to time direct, by appropriation or otherwise. (Mar. 2, 1911, sec. 2, 36 Stat. 1015; Aug. 25, 1914, 38 Stat. 708; 30 U. S. C., sec. 104.)

1551. Agricultural entry or purchase of lands withdrawn or classified as containing phosphate, nitrate, potash, oil, or gas.—That lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands are withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; but no desert entry made under the provisions of this Act [30 U. S. C., secs. 121-123] shall contain more than one hundred and sixty acres: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this Act [30 U. S. C., secs. 121-123]. (July 17, 1914, sec. 1, 38 Stat. 509; 30 U. S. C., sec. 121.)

1552. Same; patents; reservation in United States of reserved deposits; acquisition of right to remove deposits.—That upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral de-

posits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character. (July 17, 1914, sec. 2, 38 Stat. 509; 30 U. S. C., sec. 122.)

**1553.** Same; persons locating lands subsequently withdrawn or classified.—That any person who has, in good faith, located, selected, entered, or purchased, or any person who shall hereafter locate, select, enter, or purchase, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same. (July 17, 1914, sec. 3, 38 Stat. 510; 30 U. S. C., sec. 123.)

**1554.** Agricultural entry or purchase of lands withdrawn or classified as containing sodium or sulphur.—That lands withdrawn, classified, or reported as valuable for sodium and/or sulphur and subject to prospecting, leasing, or development under the General Leasing Act of February 25, 1920, or Acts amendatory thereof or supplementary thereto [30 U. S. C., secs. 181–194, 201–208, 211–214, 221, 223–229, 241, 251, 261–263], shall be subject to appropriation, location, selection, entry, or purchase if otherwise available in the form and manner and subject to the reservations, provisions, limitations, and conditions of the Act of Congress approved July 17, 1914 (38 Stat. L. 509; U. S. C., title 30, sec. 123): *Provided, however*, That lands lying within the geologic structure of a field, or withdrawn, classified, or reported as valuable for any of the minerals named herein and/or in any of said Acts, or upon which leases or prospecting permits have been applied for or granted, for the production of any of such minerals, shall not be subject to such appropriation, location, selection, entry, or purchase unless it shall be determined by the Secretary of the Interior that such disposal will not unreasonably interfere with operations under said leasing Acts. (Mar. 4, 1933, 47 Stat. 1570; 30 U. S. C., sec. 124.)

**1555. Phosphate rock land; validity of bona fide locations prior to January 11, 1915; patents obtainable.**—That where public lands containing deposits of phosphate rock have heretofore been located in good faith under the placer-mining laws of the United States and upon which assessment work has been annually performed, such locations shall be valid and may be perfected under the provisions of said placer-mining laws, and patents whether heretofore or hereafter issued thereon shall give title to and possession of such deposits: *Provided*, That this Act shall not apply to any locations made subsequent to the withdrawal of such lands from location, nor shall it apply to lands included in an adverse or conflicting lode location unless such adverse or conflicting location is abandoned. (Jan. 11, 1915, 38 Stat. 792; 30 U. S. C., sec. 131.)

**1556. Entry of lands valuable for building stone under placer-mining laws.**—That any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of the law in relation to placer mineral claims: *Provided*, That lands reserved for the benefit of the public schools or donated to any State shall not be subject to entry under this act [30 U. S. C., sec. 161]. (Aug. 4, 1892, sec. 1, 27 Stat. 348; 30 U. S. C., sec. 161.)

**1557. Provision authorizing forest reserves not repealed.**—That nothing in this act [30 U. S. C., sec. 161] shall be construed to repeal section twenty-four of the act entitled "An act to repeal timber-culture laws and for other purposes", approved March third, eighteen hundred and ninety-one [16 U. S. C., sec. 471]. (Aug. 4, 1892, sec. 3, 27 Stat. 348; 30 U. S. C., sec. 161.)

**1558. Mining laws extended to undisposed-of lands in Bitter Root Valley, Mont.**—That all the provisions of the mining laws of the United States are hereby extended and made applicable to the undisposed-of lands in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River, designated in the Act of June fifth, eighteen hundred and seventy-two: *Provided*, That all mining locations and entries heretofore made or attempted to be made upon said lands shall be determined by the Department of the Interior as if said lands had been subject to mineral location and entry at the time such locations and entries were made or attempted to be made: *And provided further*, That this Act shall not be applicable to lands withdrawn for administration sites for use of the Forest Service. (May 29, 1908, 35 Stat. 467.)

**1559. Entry of saline lands under placer mining laws.**—That all unoccupied public lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, are hereby declared to be subject to location and purchase under the provisions of the law relating to placer-mining claims: *Provided*, That the same person shall not locate or enter more than one claim hereunder. (Jan. 31, 1901, 31 Stat. 745; 30 U. S. C., sec. 162.)

**LEASES AND PROSPECTING PERMITS  
IN GENERAL**

**1560. Land subject to disposition; helium; persons not entitled to benefits.**—That deposits of coal, phosphate, sodium, potassium, oil, oil shale, or gas, and lands containing such deposits owned by the

United States, including those in national forests, but excluding lands acquired under the Act known as the Appalachian Forest Act, approved March 1, 1911 (Thirty-sixth Statutes, page 961) [16 U. S. C., secs. 513-519], and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as herein-after provided, shall be subject to disposition in the form and manner provided by this Act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas, to municipalities: *Provided*, That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this Act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof: *And provided further*, That citizens of another country, the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control own any interest in any lease acquired under the provisions of this act. (Feb. 25, 1920, sec. 1, 41 Stat. 437; Feb. 7, 1927, sec. 5, 44 Stat. 1058; 30 U. S. C., sec. 181.)

**1561.** Lands disposed of with reservation of deposits of coal, etc.—That the provisions of this Act shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits. (Feb. 25, 1920, sec. 34, 41 Stat. 450; 30 U. S. C., sec. 182.)

**1562.** Cancellation of prospecting permits.—That the Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this Act appropriate provisions for its cancellation by him. (Feb. 25, 1920, sec. 26, 41 Stat. 448; 30 U. S. C., sec. 183.)

**1563.** Limitation on number of leases to one person; combinations or unlawful trusts.—That no person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage two thousand five hundred and sixty acres for each of said minerals; no person, association, or corporation shall take or hold at one time oil or gas leases or permits exceeding in the aggregate seven thousand six hundred and eighty acres granted hereunder in any one State, and not more than two thousand five hundred and sixty acres within the geologic structure of the same producing oil or gas field; and no person, association, or corporation shall take or hold at one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or per-

mits, under the provisions hereof, which, together with the area embraced in any direct holding of a lease or leases, permit or permits, under this Act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under this Act. Any interests held in violation of this Act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this Act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 [30 U. S. C., secs. 227, 228, 251] or to prevent any number of lessees under the provisions of this Act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this Act, or the transportation of coal or to increase the acreage which may be acquired or held under section 17 [30 U. S. C., sec. 226] of this Act: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other or jointly or separately with others in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest, and the Secretary of the Interior is thereunto authorized in his discretion, with the consent of the holders of leases or permits involved, to establish, alter, change, or revoke drilling, producing, and royalty requirements of such leases or permits, and to make such regulations with reference to such leases and permits with like consent on the part of the lessee or lessees and permittees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of such public interest: *And provided further*, That when any permit has been determined to be wholly or in part within the limits of a producing oil or gas field which permit has been included, with the approval of the Secretary of the Interior, in a unit operating agreement or other plan under this Act the Secretary of the Interior may issue a lease for the area of the permit so included in said plan without further proof of discovery: *Provided further*, That the Secretary of the Interior is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling,

or development contracts made by one or more permittees or lessees in oil or gas leases or permits, with one or more persons, associations, or corporations, whenever in his discretion and regardless of acreage limitations, provided for in this Act, the conservation of natural products or the public convenience or necessity may require it or the interests of the United States may be best subserved thereby: *And provided further*, That except as herein provided, if any of the lands or deposits leased under the provisions of this Act shall be subleased, trusteeed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise, to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control in excess of the amounts of lands provided in this Act, the lease thereof shall be forfeited by appropriate court proceedings: *And provided further*, That nothing in this Act shall be construed as affecting existing leases within the borders of the Naval Petroleum Reserves or agreements concerning operations thereunder or in relation to the same, but the Secretary of the Navy is hereby authorized, with the consent of the President, to enter into agreements such as those provided for herein, which agreements shall not, unless expressed therein, operate to extend the term of any lease affected thereby. (Feb. 25, 1920, sec. 27, 41 Stat. 448; Apr. 30, 1926, 44 Stat. 373; July 3, 1930, sec. 1, 46 Stat. 1007; Mar. 4, 1931, 46 Stat. 1524; 30 U. S. C., sec. 184.)

1564. Rights-of-way for pipe lines.—That rights-of-way through the public lands, including the forest reserves of the United States, may be granted by the Secretary of the Interior for pipe-line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this Act [30 U. S. C., sec. 181], to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers and shall accept, convey, transport, or purchase without discrimination, oil or natural gas produced from Government lands in the vicinity of the pipe line in such proportionate amounts as the Secretary of the Interior may, after a full hearing with due notice thereof to the interested parties, and a proper finding of facts, determine to be reasonable: *Provided*, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or

of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this Act: *Provided further*, That no right-of-way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations and conditions prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding. (Feb. 25 1920, sec. 28, 41 Stat. 449; Aug. 21, 1935, Public 297½, 74th Cong.; 30 U. S. C., sec. 185.)

**1565. Reservation of easements or rights-of-way for working purposes; right to sell or lease surface.**—That any permit, lease, occupation, or use permitted under this Act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights-of-way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this Act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this Act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease: *And provided further*, That the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved. (Feb. 25, 1920, sec. 29, 41 Stat. 449; 30 U. S. C., sec. 186.)

**1566. Assignment or subletting of leases; relinquishment of rights; conditions as to operation of mines, etc.**—That no lease issued under the authority of this Act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a

month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare: *Provided*, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated. (Feb. 25, 1920, sec. 30, 41 Stat. 449; 30 U. S. C., sec. 187.)

**1567. Forfeiture or cancellation of leases.**—That any lease issued under the provisions of this Act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this Act, of the lease, or of the general regulations promulgated under this Act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof. (Feb. 25, 1920, sec. 31, 41 Stat. 450; 30 U. S. C., sec. 188.)

**1568. Rules and regulations; rights of States not affected.**—That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act, also to fix and determine the boundary lines of any structure, or oil or gas field, for the purposes of this Act: *Provided*, That nothing in this Act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States. (Feb. 25, 1920, sec. 32, 41 Stat. 450; 30 U. S. C., sec. 189.)

**1569. Oaths required, when.**—That all statements, representations, or reports required by the Secretary of the Interior under this Act shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require. (Feb. 25, 1920, sec. 33, 41 Stat. 450; 30 U. S. C., sec. 190.)

**1570. Disposition of moneys received.**—That 10 per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of this Act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per centum, and for future production 52½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress, known as the Reclamation Act, approved June 17, 1902 [43 U. S. C., secs. 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 491, 498], and for past production 20 per centum, and for future production 37½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions

thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this Act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts." (Feb. 25, 1920, sec. 35, 41 Stat. 450; 30 U. S. C., sec. 191.)

**1571.** *Payment of royalties in oil or gas; sale of such oil or gas.*—That all royalty accruing to the United States under any oil or gas lease or permit under this Act on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under this Act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee: *Provided, however*, That pending the making of a permanent contract for the sale of any royalty, oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And provided further*, That any royalty oil or gas may be sold at not less than the market price at private sale to any department or agency of the United States. (Feb. 25, 1920, sec. 36, 41 Stat. 451, 30 U. S. C., sec. 192.)

**1572.** *Act applicable to all deposits of coal, phosphate, sodium, oil, oil shale, and gas; perfection of valid claims allowed.*—That the deposits of coal, phosphates, sodium, potassium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits described in the joint resolution entitled "Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming", approved August 1, 1912 (Thirty-seventh Statutes at Large, page 1346), shall be subject to disposition only in the form and manner provided in this Act [30 U. S. C., secs. 181–194, 201–208, 211–214, 221, 223–229, 241, 251, 261–263], except as to valid claims existent at date of the passage of this Act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery. (Feb. 25, 1920, sec. 37, 41 Stat. 451; Feb. 7, 1927, sec. 5, 44 Stat. 1058; 30 U. S. C., sec. 193.)

**1573. Fees and commissions of registers.**—That, until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers of United States land offices

on account of business transacted under the provisions of this Act. (Feb. 25, 1920, sec. 38, 41 Stat. 451; May 3, 1925, 43 Stat. 1145; 30 U. S. C., sec. 194.)

#### COAL

**1574. Division of land into leasing tracts; offer and award of leases, prospecting permits; notice of proposed lease.**—That the Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal, classified and unclassified, owned by the United States, outside of the Territory of Alaska, into leasing tracts of forty acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts, but in no case exceeding two thousand five hundred and sixty acres in any one leasing tract, and thereafter the Secretary of the Interior shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding or by such other methods as he may by general regulations adopt, to any qualified applicant: *Provided*, That the Secretary is hereby authorized, in awarding leases for coal lands heretofore improved and occupied or claimed in good faith, to consider and recognize equitable rights of such occupants or claimants: *Provided further*, That where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area, the Secretary of the Interior may issue, to applicants qualified under this Act, prospecting permits for a term of two years, for not exceeding two thousand five hundred and sixty acres; and if within said period of two years thereafter, the permittee shows to the Secretary that the land contains coal in commercial quantities, the permittee shall be entitled to a lease under this Act for all or part of the land in his permit: *And provided further*, That no lease of coal under this Act shall be approved or issued until after notice of the proposed lease, or offering for lease, has been given for thirty days in a newspaper of general circulation in the county in which the lands or deposits are situated. (Feb. 25, 1920, sec. 2, 41 Stat. 438; 30 U. S. C., sec. 201.)

**1575. Extension of coal prospecting permits.**—That any coal prospecting permit issued under the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended [30 U. S. C., sec. 201], may be extended by the Secretary of the Interior for a period of two years, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to determine the existence or workability of coal deposits in the area covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons in the opinion of the Secretary warranting such extension. (Mar. 9, 1928, sec. 1, 45 Stat. 251; 30 U. S. C., sec. 201a.)

**1576. Extension of permits already expired.**—Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this Act [30 U. S. C., sec. 201a], any coal permit that has already expired because of lack of authority under existing law to make extensions may, in the discretion of the

Secretary, be extended for a period of two years from the date of the passage of this Act [30 U. S. C., secs. 201a, 201b]. (Mar. 9, 1928, sec. 2, 45 Stat. 251; 30 U. S. C., sec. 201b.)

**1577. Common carriers; limitations of lease or permit.**—That no company or corporation operating a common carrier railroad shall be given or hold a permit or lease under the provisions of this Act for any coal deposits except for its own use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations, and no such company or corporation shall receive or hold more than one permit or lease for each two hundred miles of its railroad line within the State in which said property is situated, exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam: *And provided further,* That nothing herein shall preclude such a railroad of less than two hundred miles in length from securing and holding one permit or lease hereunder. (Feb. 25, 1920, sec. 2, 41 Stat. 438; 30 U. S. C., sec. 202.)

**1578. Inclusion of additional lands in lease.**—That any person, association, or corporation holding a lease of coal lands or coal deposits under this Act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure modifications of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate two thousand five hundred and sixty acres. (Feb. 25, 1920, sec. 3, 41 Stat. 439; 30 U. S. C., sec. 203.)

**1579. Same; upon showing probability of exhaustion.**—That upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the existing lease, shall not exceed two thousand five hundred and sixty acres, through the same procedure and under the same conditions as in case of an original lease. (Feb. 25, 1920, sec. 4, 41 Stat. 439, 30 U. S. C., sec. 204.)

**1580. Consolidation of leases.**—That if, in the judgment of the Secretary of the Interior, the public interest will be subserved thereby, lessees holding under lease areas not exceeding the maximum permitted under this Act may consolidate their leases through the surrender of the original leases and the inclusion of such areas in a new lease of not to exceed two thousand five hundred and sixty acres of contiguous lands. (Feb. 25, 1920, sec. 5, 41 Stat. 439; 30 U. S. C., sec. 205.)

**1581. Noncontiguous tracts in single lease.**—That where coal or phosphate lands aggregating two thousand five hundred and sixty acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion the interests of the public and of the lessee will be thereby subserved, to

embrace in a single lease noncontiguous tracts which can be operated as a single mine or unit. (Feb. 25, 1920, sec. 6, 41 Stat. 439, 30 U. S. C., sec. 206.)

1582. Royalties; annual rentals; term of leases; development and operation.—That for the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall not be less than 5 cents per ton of two thousand pounds, due and payable at the end of each third month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for: *Provided further*, That the Secretary of the Interior may permit suspension of operation under such lease for not to exceed six months at any one time when market conditions are such that the lease cannot be operated except at a loss. (Feb. 25, 1920, sec. 7, 41 Stat. 439; 30 U. S. C., sec. 207.)

1583. Permits to take coal for local domestic needs.—That in order to provide for the supply of strictly local domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue limited licenses or permits to individuals or associations of individuals to prospect for, mine, and take for their use but not for sale, coal from the public lands without payment of royalty for the coal mined or the land occupied, on such conditions not inconsistent with this Act as in his opinion will safeguard the public interests: *Provided*, That this privilege shall not extend to any corporations: *Provided further*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed three hundred and twenty acres for a municipality of less than one hundred thousand population, and not to exceed one thousand two hundred and eighty acres for a municipality of not less than one hundred thousand and not

more than one hundred and fifty thousand population; and not to exceed two thousand five hundred and sixty acres for a municipality of one hundred and fifty thousand population or more, the land to be selected within the State wherein the municipal applicant may be located, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit to residents of such municipality for household use: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this Act [30 U. S. C., secs. 181, 201, 202-207] shall be no bar to the holding of such tract or operation of such mine under said limited license. (Feb. 25, 1920, sec. 8, 41 Stat. 440; 30 U. S. C., sec. 208.)

**1584. Suspension of rental and extension of lease on suspension of operations and production.**—In the event the Secretary of the Interior in the interest of conservation, shall direct or shall assent to the suspension of operations and production of coal, oil, and/or gas under any lease granted under the terms of this Act, any payment of acreage rental prescribed by such lease likewise shall be suspended during such period of suspension of operations and production; and the term of such lease shall be extended by adding any such suspension period thereto: *Provided*, That nothing in this Act shall be construed as affecting existing leases within the borders of the naval petroleum reserves and naval oil-shale reserves. (Feb. 25, 1920, sec. 39 as added Feb. 9, 1933, 47 Stat. 798; 30 U. S. C., sec. 209.)

#### PHOSPHATES

**1585. Authority to lease land.**—That the Secretary of the Interior is hereby authorized to lease to any applicant qualified under this Act any lands belonging to the United States containing deposits of phosphates, under such restrictions and upon such terms as are herein specified, through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulation adopt. (Feb. 25, 1920, sec. 9, 41 Stat. 440; 30 U. S. C., sec. 211.)

**1586. Amount of land included in lease; surveys.**—That each lease shall be for not to exceed two thousand five hundred and sixty acres of land to be described by the legal subdivisions of the public land surveys, if surveyed; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease, in accordance with rules and regulations prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such survey; deposits made to cover expense of surveys shall be deemed appropriated for that purpose; and any excess deposits shall be repaid to the person, association, or corporation making such deposits or their legal representatives: *Provided*, That the land embraced in any one lease shall be in compact form, the length of which shall not exceed two and one-half times its width. (Feb. 25, 1920, sec. 10, 41 Stat. 440; 30 U. S. C., sec. 212.)

**1587. Royalties; annual rental; term of leases; operation.**—That for the privilege of mining or extracting the phosphates or phosphate rock covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed by the Secretary of the Interior in advance of offering the same,

which shall be not less than 2 per centum of the gross value of the output of phosphates or phosphate rock at the mine, due and payable at the end of each third month succeeding that of the sale or other disposition of the phosphates or phosphate rock, and an annual rental payable at the date of such lease and annually thereafter on the area covered by such lease at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of a minimum annual production, except when operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions shall be made as the Secretary of the Interior shall determine unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may permit suspension of operation under such lease for not exceeding twelve months at any one time when market conditions are such that the lease can not be operated except at a loss. (Feb. 25, 1920, sec. 11, 41 Stat. 440; 30 U. S. C., sec. 213.)

**1588. Use of surface of other lands.**—That any qualified applicant to whom the Secretary of the Interior may grant a lease to develop and extract phosphates, or phosphate rock, under the provisions of this Act shall have the right to use so much of the surface of unappropriated and unentered lands, not exceeding forty acres, as may be determined by the Secretary of the Interior to be necessary for the proper prospecting for or development, extraction, treatment, and removal of such mineral deposits. (Feb. 25, 1920, sec. 12, 41 Stat. 441; 30 U. S. C., sec. 214.)

#### OIL AND GAS

**1589. Prospecting permits; terms and conditions; extension; location of land.**—That the Secretary of the Interior is hereby authorized, and directed, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this Act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed two thousand five hundred and sixty acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall, within one year from and after the date of permit, drill one or more wells for oil or gas to a depth of not less than five hundred feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered: *Provided*, That said application was filed ninety days prior to the effective date of this amend-

atory Act. It being the intention of Congress that there shall be no discrimination as between applicants for prospecting permits, the Secretary of the Interior is directed, in every case where one or more permits have been issued, to issue permits to all other applicants for prospecting permits on the same structure, even though one or more of the permittees has developed the said structure into a producing oil or gas field, if said application for permit was filed prior to the development of such structure into a producing oil or gas field, and said applicant has otherwise complied with the law: *Provided further*, That when such permit is issued upon any structure after discovery, the royalty to be paid upon the preferential lease provided for in section 14 hereof [30 U. S. C., sec. 223] shall be 10 per centum in amount or value of the production and the annual payment of a rental as provided in said section 14. No prospecting permit shall be granted upon any application filed after ninety days prior to the effective date of this amendatory Act. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe: *Provided*, That all permits outstanding on the effective date of this amendatory Act, which on said date shall not be subject to cancelation for violation of the law or operating regulations and which have theretofore been extended by the Secretary of the Interior, shall be, and the same are hereby, extended until December 31, 1937, subject to the applicable conditions of such prior extensions: *Provided further*, That the Secretary of the Interior is hereby authorized to extend, for an additional period of not to exceed one year, any permit on which diligence has been exercised or on which drilling or prospecting has been suspended at the direction of the Secretary during the extension period hereby granted, but no extension of any permit beyond December 31, 1938, shall be granted under authority of this Act, or any other Act. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a reasonably compact form and according to the legal subdivisions of the public-land surveys if the land be surveyed; and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought a monument not less than four feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within thirty days after date of posting said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of thirty days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within ninety days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground

with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby: *Provided further*, That in the Territory of Alaska prospecting permits not more than five in number may be granted to any qualified applicant for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than five hundred feet, unless valuable deposits of oil or gas shall be sooner discovered, within three years from date of the permit and to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered, within four years from date of permit: *Provided further*, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with substantial monuments within one year after receiving such permit: *Provided further*, That any person holding a permit to prospect for oil or gas which shall not be subject to cancellation for violation of the law or operating regulations or which shall have been extended under the authority of this or any other Act, in force on or after the effective date of this amendatory Act, or for which timely and acceptable application for extension shall have been filed prior to said date, shall have the right prior to the termination of such permit to exchange the same for a lease to the area described in the permit without proof of discovery at a royalty of not less than  $12\frac{1}{2}$  per centum or value of the production, to be determined by the Secretary of the Interior by general rule and under such other conditions as are fixed in section 17 of this Act [30 U. S. C., sec. 226]: *Provided further*, That no such lease shall be subject to the acreage limitations of section 27 of this Act, as amended [30 U. S. C., sec. 184], until one year after the discovery of valuable deposits of oil or gas thereon: *Provided further*, That any application for any prospecting permit filed after ninety days prior to the effective date of this amendatory Act shall be considered as an application for lease under section 17 hereof: *And provided further*, That upon leases so granted in lieu of existing permits or granted to applicants for permits, no rentals shall be payable for the first two lease years, unless valuable deposits of oil or gas are sooner discovered within the boundaries of such lease. (Feb. 25, 1920, sec. 13, 41 Stat. 441; Aug. 21, 1935, sec. 1, Public, 297 $\frac{1}{2}$ , 74th Cong.; 30 U. S. C., sec. 221.)

1590. Same; conditions as to purchase and use of water holes discovered while prospecting.—(a) All prospecting permits and leases for oil or gas made or issued under the provisions of this Act shall be subject to the condition that in case the permittee or lessee strikes water while drilling instead of oil or gas, the Secretary of the Interior may, when such water is of such quality and quantity as to be valuable and usable at a reasonable cost for agricultural, domestic, or other purposes, purchase the casing in the well at the reasonable value thereof to be fixed under rules and regulations to be

prescribed by the Secretary: *Provided*, That the land on which such well is situated shall be reserved as a water hole under section 10 of the Act of December 29, 1916 [43 U. S. C., sec. 300].

(b) In cases where water wells producing such water have heretofore been or may hereafter be drilled upon lands embraced in any prospecting permit or lease heretofore issued under the Act of February 25, 1920, as amended, the Secretary may in like manner purchase the casing in such wells.

(c) The Secretary may make such purchase and may lease or operate such wells for the purpose of producing water and of using the same on the public lands or of disposing of such water for beneficial use on other lands, and where such wells have heretofore been plugged or abandoned or where such wells have been drilled prior to the issuance of any permit or lease by persons not in privity with the permittee or lessee, the Secretary may develop the same for the purposes of this section: *Provided*, That owners or occupants of lands adjacent to those upon which such water wells may be developed shall have a preference right to make beneficial use of such water.

(d) The Secretary may use so much of any funds available for the plugging of wells, as he may find necessary to start the program provided for by this section, and thereafter he may use the proceeds from the sale or other disposition of such water as a revolving fund for the continuation of such program, and such proceeds are hereby appropriated for such purpose.

(e) Nothing in this section shall be construed to restrict operations under any oil or gas lease or permit under any other provision of this Act. (Feb. 25, 1920, sec. 40; June 16, 1934, 48 Stat. 977; 30 U. S. C., sec. 229a.)

**1591. Same; extension of time for beginning drilling, etc.**—The Secretary of the Interior may, if he shall find that any oil or gas permittee has been unable, with the exercise of diligence, to begin drilling operations or to drill wells of the depth and within the time prescribed by section 13 of the Act of Congress approved February 25, 1920 (41 Stat. 437) [30 U. S. C., sec. 221], extend the time for beginning such drilling or completing it, to the amount specified in such section for such time, not exceeding three years, and upon such conditions as he shall prescribe. (Jan. 11, 1922, 42 Stat. 356; 30 U. S. C., sec. 222.)

**1592. Extension of oil or gas prospecting permit authorized.**—Any oil or gas prospecting permit issued under the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 [30 U. S. C., sec. 221], or extended under the Act entitled "An Act to authorize the Secretary of the Interior to grant extension of time under oil and gas permits, and for other purposes", approved January 11, 1922 [30 U. S. C., sec. 222], may be extended by the Secretary of the Interior for an additional period of two years, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to begin drilling operations or to drill wells of the depth and within the time required by existing law, or has drilled wells of the depth and within the time required by existing law, and has failed to discover oil or gas, and desires to prosecute further exploration. (Apr. 5, 1926, sec. 1, 44 Stat. 236; 30 U. S. C., sec. 222a.)

**1593. Extension of permits already expired.**—Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this Act [30 U. S. C., sec. 222a], any permit which has already expired because of lack of authority under existing law to make further extensions, may be extended for a period of two years from April 5, 1926. (Apr. 5, 1926, sec. 2, 44 Stat. 236; 30 U. S. C., sec. 222b.)

**1594. Further extension of oil or gas prospecting permits.**—That any oil or gas prospecting permit issued under the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 [30 U. S. C., sec. 221], or extended under the Act entitled "An Act to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes", approved January 11, 1922 [30 U. S. C., sec. 222], or as further extended under the Act of April 5, 1926 [30 U. S. C., secs. 222 a, b], may be extended by the Secretary of the Interior for an additional period of two years, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to begin drilling operations or to drill wells of the depth and within the time required by existing law, or has drilled wells of the depth and within the time required by existing law, and has failed to discover oil or gas, and desires to prosecute further exploration. (Mar. 9, 1928, sec. 1, 45 Stat. 252; 30 U. S. C., sec. 222c.)

**1594a. Further extension of permits already expired.**—Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this Act [30 U. S. C., sec. 222c], any permit which has already expired because of lack of authority under existing law to make further extensions, may be extended for a period of two years from the date of the passage of this Act. (Mar. 9, 1928, sec. 2, 45 Stat. 252; 30 U. S. C., sec. 222d.)

**1595. Extension of oil or gas prospecting permits from January 1930.**—That any oil or gas prospecting permit issued under the Act of February 25, 1920 (Forty-first Statutes, page 437), [30 U. S. C., sec. 221], or extended under the Act of January 11, 1922 (Forty-second Statutes, page 356), [30 U. S. C., sec. 222], or as further extended under the Acts of April 5, 1926 (Forty-fourth Statutes, page 236), and March 9, 1928 (Forty-fifth Statutes, page 252), [30 U. S. C., secs. 222 a, b, c, d], may be extended by the Secretary of the Interior for an additional period of three years in his discretion on such conditions as he may prescribe. (Jan. 23, 1930, sec. 1, 46 Stat. 58; 30 U. S. C., sec. 222e.)

**1596. Same; permits already expired.**—Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this Act [30 U. S. C., sec. 222e], any permit which has already expired because of lack of authority under existing law to make further extensions, may be extended for a period of three years from the date of this Act. (Jan. 23, 1930, sec. 2, 46 Stat. 59; 30 U. S. C., sec. 222f.)

**1597. Extension of oil or gas prospecting permits from June 1932.**—That any oil or gas prospecting permit issued under the Act of February 25, 1920 (41 Stat. 437), [30 U. S. C., sec. 221], or extended under the Act of January 11, 1922 (42 Stat. 356), [30 U. S. C., sec.

222], or as further extended under the Acts of April 5, 1926 (44 Stat. 236), March 9, 1928 (45 Stat. 252), and the Act of January 23, 1930 (46 Stat. 58), [30 U. S. C., secs. 222a-222f], may be extended by the Secretary of the Interior for an additional period of three years in his discretion, on such conditions as he may prescribe. (June 30, 1932, sec. 1, 47 Stat. 445; 30 U. S. C., sec. 222g.)

**1598. Same; permits already expired.**—Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this Act [30 U. S. C., sec. 222g], any permit which has already expired because of lack of authority under existing law to make further extensions may be extended for a period of three years from the date of the passage of this Act. (June 30, 1932, sec. 2, 47 Stat. 446; 30 U. S. C., sec. 222h.)

**1599. Leases; amount and survey of land; term; royalties and annual rental.**—That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit: *Provided*, That the permittee shall be granted a lease for as much as one hundred and sixty acres of said lands, if there be that number of acres within the permit. The area to be selected by the permittee, shall be in reasonably compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior, and the lands leased shall be conformed to and be taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of twenty years upon a royalty of 5 per centum in amount or value of the production and the annual payment in advance of a rental of \$1 per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, and shall continue in force otherwise as prescribed in section 17 hereof [30 U. S. C., sec. 226] for leases issued prior to the effective date of this amendatory Act. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per centum in amount or value of the production nor more than the royalty rate prescribed by regulation in force on January 1, 1935, for secondary leases issued under this section, and under such other conditions as are fixed for oil or gas leases issued under section 17 of this Act the royalty to be determined by competitive bidding or fixed by such other method as the Secretary may by regulations prescribe: *Provided further*, That the Secretary shall have the right to reject any or all bids. (Feb. 25, 1920, sec. 14, 41 Stat. 442; Aug. 21, 1935, Public 297½, 74th Cong.; 30 U. S. C., sec. 223.)

**1600. Secretary of Interior authorized to issue new leases; validity of prospecting permits and leases under Act of Feb. 25, 1920, not affected.**—(a) That the Secretary of the Interior is authorized to issue new leases to lessees holding oil or gas leases under any of the provisions

of this Act [30 U. S. C., secs. 181-194, 201, 202-208, 211-214, 221, 223-229, 241, 251, 261-263] at the time this amendatory Act becomes effective, such new leases to be in lieu of the leases then held by such lessees and to be at a royalty rate of not less than 12½ per centum in amount or value of the production and upon such other terms and conditions as the Secretary of the Interior shall by general rule prescribe: *Provided*, That no limitation of acreage not provided for under the law or regulations under which any such old lease was issued shall be applicable to any such new lease.

(b) Nothing contained in this amendatory Act shall be construed to affect the validity of oil and gas prospecting permits or leases previously issued under the authority of the said Act of February 25, 1920, as amended, and in existence at the time this amendatory Act becomes effective, or impair any rights or privileges which have accrued under such permits or leases. (Aug. 21, 1935, sec. 2, Public 297½, 74th Cong.)

**1601. Payment for products before applying for lease.**—That until the permittee shall apply for lease to the one-quarter of the permit area heretofore provided for he shall pay to the United States 20 per centum of the gross value of all oil or gas secured by him from the lands embraced within his permit and sold or otherwise disposed of or held by him for sale or other disposition. (Feb. 25, 1920, sec. 15, 41 Stat. 442; 30 U. S. C., sec. 224.)

**1602. Conditions of permit or lease; forfeiture for violation of.**—That all permits and leases of lands containing oil or gas, made or issued under the provisions of this Act, shall be subject to the condition that no wells shall be drilled within two hundred feet of any of the outer boundaries of the lands so permitted or leased, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners, and to the further condition that the permittee or lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit or lease, to be enforced through appropriate proceedings in courts of competent jurisdiction. (Feb. 25, 1920, sec. 16, 41 Stat. 443; 30 U. S. C., sec. 225.)

**1603. Leases of unappropriated deposits of oil or gas in producing fields; royalties and annual rentals.**—All lands subject to disposition under this Act which are known or believed to contain oil or gas deposits, except as herein otherwise provided, may be leased by the Secretary of the Interior after the effective date of this amendatory Act, to the highest responsible qualified bidder by competitive bidding under general regulations. Such lands shall be leased in units of not exceeding six hundred and forty acres, which shall be as nearly compact in form as possible. Such leases shall be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall be not less than 12½ per centum in amount or value of the production and the payment in advance of a rental to be fixed in the lease of not less than 25 cents per acre per annum, which rental except as other-

wise herein provided shall not be waived, suspended, or reduced unless and until a valuable deposit of oil or gas shall have been discovered within the lands leased: *Provided*, That the rental paid for any one year shall be credited against the royalties as they accrue for that year: *Provided further*, That in the event the Secretary of the Interior shall direct or shall assent to the suspension of operations or of production of oil or gas under any such lease, any payment of acreage rental as herein provided shall likewise be suspended during such period of suspension of operations or production: *And provided further*, That in the case of leases valuable only for the production of gas the Secretary of the Interior upon showing by the lessee that the lease cannot be successfully operated upon such rental or upon the royalty provided in the lease, may waive, suspend, or reduce such rental or reduce such royalty.

The Secretary of the Interior, for the purpose of more properly conserving the oil or gas resources of any area, field, or pool, may require that leases hereafter issued under any section of this Act be conditioned upon an agreement by the lessee to operate, under such reasonable cooperative or unit plan for the development and operation of any such area, field, or pool as said Secretary may determine to be practicable and necessary or advisable, which plan shall adequately protect the rights of all parties in interest, including the United States: *Provided*, That all leases operated under such plan approved or prescribed by said Secretary shall be excepted in determining holdings or control under the provisions of any section of this Act.

Leases hereafter issued under this section shall be for a period of five years and so long thereafter as oil or gas is produced in paying quantities when the lands to be leased are not within any known geological structure of a producing oil or gas field, and for a period of ten years and so long thereafter as oil or gas is produced in paying quantities when the lands to be leased are within any known geological structure of a producing oil or gas field: *Provided*, That no such lease shall be deemed to expire by reasons of suspension of prospecting, drilling, or production pursuant to any order or consent of the said Secretary: *Provided further*, That the person first making application for the lease of any lands not within any known geologic structure of a producing oil or gas field who is qualified to hold a lease under this Act, including applicants for permits whose applications were filed after ninety days prior to the effective date of this amendatory Act shall be entitled to a preference right over others to a lease of such lands without competitive bidding at a royalty in the case of oil, of  $12\frac{1}{2}$  per centum in amount or value of the production when the said production does not exceed fifty barrels per well per day for the calendar month and of not less than  $12\frac{1}{2}$  per centum in amount or value of the production when the said production exceeds fifty barrels per well per day for the calendar month, and, in the case of gas, at a royalty of  $12\frac{1}{2}$  per centum in amount or value of the production when the said production does not exceed five million cubic feet per well per day for the calendar month and, when the said production exceeds five million cubic feet per well per day for the calendar month, at a royalty of not less than  $12\frac{1}{2}$  per centum in amount or value of the production.

Leases issued prior to the effective date of this amendatory Act shall continue in force and effect in accordance with the terms of such leases and the laws under which issued: *Provided*, That any such lease that has become the subject of a cooperative or unit plan of development or operation, or other plan for the conservation of the oil and gas of a single area, field, or pool, which plan has the approval of the Secretary of the Department or Departments having jurisdiction over the Government lands included in said plan as necessary or convenient in the public interest, shall continue in force beyond said period of twenty years until the termination of such plan: *And provided further*, That said Secretary or Secretaries shall report all leases so continued to Congress at the beginning of its next regular session after the date of such continuance.

Any cooperative or unit plan of development and operation, which includes lands owned by the United States, shall contain a provision whereby authority, limited as therein provided, is vested in the Secretary of the department or departments having jurisdiction over such land to alter or modify from time to time in his discretion the rate of prospecting and development and the quantity and rate of production under said plan. The Secretary of the Interior is authorized whenever he shall deem such action necessary or in the public interest, with the consent of lessee, by order to suspend or modify the drilling or producing requirements of any oil and gas lease not subject to such a cooperative or unit plan, and no lease shall be deemed to expire by reason of the suspension of production pursuant to any such order.

Whenever it appears to the Secretary of the Interior that wells drilled upon lands not owned by the United States are draining oil or gas from lands or deposits owned in whole or in part by the United States, the Secretary of the Interior is hereby authorized and empowered to negotiate agreements whereby the United States or the United States and its permittees, lessees, or grantees shall be compensated for such drainage, such agreements to be made with the consent of the permittees and lessees affected thereby.

Whenever the average daily production of the oil wells on an entire leasehold or on any tract or portion thereof segregated for royalty purposes shall not exceed ten barrels per well per day, or where the cost of production of oil or gas is such as to render further production economically impracticable the Secretary of the Interior, for the purpose of encouraging the greatest ultimate recovery of oil and in the interest of conservation of natural resources, is authorized to reduce the royalty on future production when in his judgment the wells cannot be successfully operated upon the royalty fixed in the lease. The provision of this paragraph shall apply to all oil and gas leases issued under this Act, including those within an approved cooperative or unit plan of development and operation.

Any lease issued after the effective date of this amendatory Act under the provisions of this section, except those earned as a preference right as provided in section 14 hereof [30 U. S. C., sec. 223], shall be subject to cancellation by the Secretary of the Interior after thirty days' notice upon the failure of the lessee to comply with any of the provisions of the lease, unless or until the land covered by any such lease is known to contain valuable deposits of oil or gas. Such notice in advance of cancellation shall be sent the lease owner

by registered letter directed to the lease owner's record post-office address, and in case such letter shall be returned as undelivered, such notice shall also be posted for a period of thirty days in the United States Land Office for the district in which the land covered by such lease is situated, or in the event that there is no district land office for such leased land, then in the post office nearest such land. Leases covering lands known to contain valuable deposits of oil or gas shall be canceled only in the manner provided in section 31 of this Act [30 U. S. C., sec. 188]. (Feb. 25, 1920, sec. 17, 41 Stat. 443; July 3, 1930, 46 Stat. 1007; Mar. 4, 1931, 46 Stat. 1523; Aug. 21, 1935, Public 297½, 74th Cong., 30 U. S. C., sec. 226.)

**1604. Naval petroleum reserve and naval oil-shale reserve lands not affected.**—That nothing in this amendatory Act shall be construed as affecting any lands within the borders of the naval petroleum reserves and naval oil-shale reserves or agreements concerning operations thereunder or in relation to the same, but the Secretary of the Navy is hereby authorized, with the consent of the President, to enter into agreements such as those provided for under the Act of March 4, 1931 (46 Stat. 1523), which agreement shall not, unless expressed therein, operate to extend the terms of any lease affected thereby. (Aug. 21, 1935, sec. 3, Public 297½, 74th Cong.)

**1605. Leases to persons relinquishing rights under prior claims on withdrawn lands under preexisting placer mining law; naval petroleum reserves; fraud adjustment.**—That upon relinquishment to the United States, filed in the General Land Office within six months after the approval of this Act, of all right, title, and interest claimed and possessed prior to July 3, 1910, and continuously since by the claimant or his predecessor in interest under the preexisting placer mining law to any oil or gas-bearing land upon which there has been drilled one or more oil or gas wells to discovery embraced in the Executive order of withdrawal issued September 27, 1909, and not within any naval petroleum reserve, and upon payment as royalty to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced except oil or gas used for production purposes on the claim, or unavoidably lost from such land, the claimant, or his successor, if in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of twenty years, at a royalty of not less than 12½ per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided*, That not more than one-half of the area, but in no case to exceed three thousand two hundred acres, within the geologic oil or gas structure of a producing oil or gas field shall be leased to any one claimant under the provision of this section when the area of such geologic oil structure exceeds six hundred and forty acres. Any claimant or his successor, subject to this limitation, shall, however, have the right to select and receive the lease as in this section provided for that portion of his claim or claims equal to, but not in excess of, said one-half of the area of such geologic oil structure, but not more than three thousand two hundred acres.

All such leases shall be made and the amount of royalty to be paid for oil and gas produced, except oil or gas used for production

purposes on the claim, or unavoidably lost, after the execution of such lease shall be fixed by the Secretary of the Navy under appropriate rules and regulations: *Provided, however,* That as to all like claims situate within any naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within six hundred and sixty feet of any such leased well without the consent of the lessee: *Provided, however,* That the President may, in his discretion, lease the remainder or any part of any such claim upon which such wells have been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease: *And provided further,* That he may permit the drilling of additional wells by the claimant or his successor within the limited area of six hundred and sixty feet theretofore provided for upon such terms and conditions as he may prescribe.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

Upon the delivery and acceptance of the lease, as in this section provided, all suits brought by the Government affecting such lands may be settled and adjusted in accordance herewith and all moneys impounded in such suits or under the Act entitled "An Act to amend an Act entitled 'An Act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest', approved March 2, 1191", approved August 25, 1914 (Thirty-eighth Statutes at Large, page 708) [30 U. S. C., sec. 104], shall be paid over to the parties entitled thereto. In case of conflicting claimants for leases under this section, the Secretary of the Interior is authorized to grant leases to one more of them as shall be deemed just. All leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear, subject, however, to the same limitation as to area and acreage as is provided for claimant in this section: *Provided,* That no claimant acquiring any interest in such lands since September 1, 1919, from a claimant on or since said date claiming or holding more than the maximum allowed claimant under this section shall secure a lease thereon or any interest therein, but the inhibition of this proviso shall not apply to an exchange of any interest in such lands made prior to the 1st day of January, 1920, which did not increase or reduce the area or acreage held or claimed in excess of said maximum by either party to the exchange: *Provided further,* That no lease or leases under this section shall be granted, nor shall any interest therein, inure to any person, association, or corporation for a greater aggregate area or acreage than the maximum in this section provided for. (Feb. 25, 1920, sec. 18, 41 Stat. 443; Feb. 25, 1928, 45 Stat. 148; 30 U. S. C., sec. 227.)

**1606. Leases to claimant of title under placer mining laws.**—That the Secretary of the Interior is hereby authorized to grant either prospecting permits or leases under the terms and conditions of section

19 of the Act approved February 25, 1920 (Forty-first Statutes at Large, page 437, title 30, sec. 227, U. S. C.), to any claimant of title under the placer mining laws, to the southeast quarter of section 30, the east half of section 31, and the northwest quarter and southeast quarter of section 32, in township 51, north, range 100 west of the sixth principal meridian, in the State of Wyoming: *Provided*, That satisfactory evidence be submitted of entire good faith of such claimant under the mining laws, although without such evidence of discovery as to satisfy said Secretary of the claimant's right to a patent; also, that said lands were not reserved or withdrawn at date of initiation of mining claims thereto; also, that applications for such permits or leases be filed within six months from date of this enactment, and that at date of such filing the area covered thereby be free from any valid adverse claim of any third person. (June 27, 1930, 46 Stat. 819.)

**1607. Prospecting permits and leases to persons of lands not withdrawn.**—That any person who on October 1, 1919, was a bona fide occupant or claimant of oil or gas lands under a claim initiated while such lands were not withdrawn from oil or gas location and entry, and who had previously performed all acts under then existing laws necessary to valid locations thereof except to make discovery, and upon which discovery had not been made prior to the passage of this Act, and who has performed work or expended on or for the benefit of such locations an amount equal in the aggregate of \$250 for each location if application therefor shall be made within six months from the passage of this Act shall be entitled to prospecting permits thereon upon the same terms and conditions, and limitations as to acreage, as other permits provided for in this Act, or where any such person has heretofore made such discovery, he shall be entitled to a lease thereon under such terms as the Secretary of the Interior may prescribe unless otherwise provided for in section 18 hereof [30 U. S. C., sec. 227]: *Provided*, That where such prospecting permit is granted upon land within any known geologic structure of a producing oil or gas field, the royalty to be fixed in any lease thereafter granted thereon or any portion thereof shall be not less than 12½ per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided, however*, That the provisions of this section shall not apply to lands reserved for the use of the Navy: *Provided, however*, That no claimant for a permit or lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

All permits or leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear. (Feb. 25, 1920, sec. 19, 41 Stat. 445; 30 U. S. C., sec. 228.)

**1608. Preference right to permits or leases of claimants of lands bona fide entered as agricultural land.**—In the case of lands bona fide entered as agricultural, and not withdrawn or classified as mineral at the time of entry, but not including lands claimed under any railroad grant, the entryman or patentee, or assigns, where assignment was made prior to January 1, 1918, if the entry has been

patented with the mineral right reserved, shall be entitled to a preference right to a permit and to a lease, as herein provided, in case of discovery; and within an area not greater than a township such entryman and patentees, or assigns holding restricted patents may combine their holdings, not to exceed two thousand five hundred and sixty acres for the purpose of making joint application. Leases executed under this section and embracing only lands so entered shall provide for the payment of a royalty of not less than 12½ per centum as to such areas within the permit as may not be included within the discovery lease to which the permittee is entitled under section 14 hereof [30 U. S. C., sec. 223]. (Feb. 25, 1920, sec. 20, 41 Stat. 445; 30 U. S. C., sec. 229.)

## OIL SHALE

1609. Authority to make lease; survey of land; term; royalties and annual rentals; rights of existing claimants.—That the Secretary of the Interior is hereby authorized to lease to any person or corporation qualified under this Act any deposits of oil shale belonging to the United States and the surface of so much of the public lands containing such deposits, or land adjacent thereto, as may be required for the extraction and reduction of the leased minerals, under such rules and regulations, not inconsistent with this Act as he may prescribe; that no lease hereunder shall exceed five thousand one hundred and twenty acres of land, to be described by the legal subdivisions of the public-land surveys, or if unsurveyed, to be surveyed by the United States, at the expense of the applicant, in accordance with regulations to be prescribed by the Secretary of the Interior. Leases may be for indeterminate periods, upon such conditions as may be imposed by the Secretary of the Interior, including covenants relative to methods of mining, prevention of waste, and productive development. For the privilege of mining, extracting, and disposing of the oil or other minerals covered by a lease under this section the lessee shall pay to the United States such royalties as shall be specified in the lease and an annual rental, payable at the beginning of each year, at the rate of 50 cents per acre per annum, for the lands included in the lease, the rental paid for any one year to be credited against the royalties accruing for that year; such royalties to be subject to readjustment at the end of each twenty-year period by the Secretary of the Interior: *Provided*, That for the purpose of encouraging the production of petroleum products from shales the Secretary may, in his discretion, waive the payment of any royalty and rental during the first five years of any lease: *Provided*, That any person having a valid claim to such minerals under existing laws on January 1, 1919, shall, upon the relinquishment of such claim, be entitled to a lease under the provisions of this section for such area of the land relinquished as shall not exceed the maximum area authorized by this section to be leased to an individual or corporation: *Provided, however*, That no claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section: *Provided, further*, That not more than one lease shall be granted under this section to any one person, association, or corporation. (Feb. 25, 1920, sec. 21, 41 Stat. 445; 30 U. S. C., sec. 241.)

## ALASKA OIL PROVISO

**1610. Prospecting permits or leases to claimants of withdrawn lands; terms and conditions; fraud.**—That any bona fide occupant or claimant of oil or gas bearing lands in the Territory of Alaska, who, or whose predecessors in interest, prior to withdrawal had complied otherwise with the requirements of the mining laws, but had made no discovery of oil or gas in wells and who prior to withdrawal had made substantial improvements for the discovery of oil or gas on or for each location or had prior to the passage of this Act expended not less than \$250 in improvements on or for each location shall be entitled, upon relinquishment or surrender to the United States within one year from the date of this Act, or within six months after final denial or withdrawal of application for patent, to a prospecting permit or permits, lease or leases, under this Act [30 U. S. C., secs. 181–194, 201, 202–208, 211–214, 221, 223–229, 241, 251, 261–263] covering such lands, not exceeding five permits or leases in number and not exceeding an aggregate of one thousand two hundred and eighty acres in each: *Provided*, That leases in Alaska under this Act whether as a result of prospecting permits or otherwise shall be upon such rental and royalties as shall be fixed by the Secretary of the Interior and specified in the lease, and be subject to readjustment at the end of each twenty-year period of the lease: *Provided further*, That for the purpose of encouraging the production of petroleum products in Alaska the Secretary may, in his discretion, waive the payment of any rental or royalty not exceeding the first five years of any lease.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section. (Feb. 25, 1920, sec. 22, 41 Stat. 446; 30 U. S. C., sec. 251.)

## SODIUM

**1611. Prospecting permits; lands included.**—That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium, in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall not exceed two thousand five hundred and sixty acres of land in reasonably compact form. (Feb. 25, 1920, sec. 23, 41 Stat. 447; Dec. 11, 1928, 45 Stat. 1019; 30 U. S. C., sec. 261.)

**1612. Leases to permittees; surveys of lands; royalties and annual rentals.**—That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in section 23 hereof [30 U. S. C., sec. 261] have been discovered by the permittee within the area covered by his permit and that such land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit at a royalty of not less than 2 per centum of the quantity or gross value of the output of sodium compounds and other related products at the point of shipment to market; the lands in such lease to be taken in compact form by legal subdivisions of the public land surveys or, if

the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior. Lands known to contain valuable deposits of one of the substances enumerated in section 23 hereof [30 U. S. C., sec. 261] and not covered by permits or leases shall be subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres. All leases under this section shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, not less than 2 per centum of the quantity or gross value of the output of sodium compounds and other related products at the point of shipment to market, and the payment in advance of a rental of 25 cents per acre for the first calendar year or fraction thereof, 50 cents per acre for the second, third, fourth, and fifth calendar years respectively; and \$1 per acre per annum thereafter during the continuance of the lease, such rental for any one year to be credited against royalties accruing for that year. Leases under this section shall be for a period of twenty years, with preferential right in the lessee to renew for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior unless otherwise provided by law at the expiration of such period: *Provided*, That nothing in this Act [30 U. S. C., secs. 181-194, 201, 202-208, 211-214, 221, 223-229, 241, 251, 261-263] shall prohibit the mining and sale of sodium compounds under potassium leases issued pursuant to the Acts of October 2, 1917 (Fortieth Statutes at Large, page 297) [30 U. S. C., secs. 141-152], and February 7, 1927 (Forty-fourth Statutes at Large, page 1057) [30 U. S. C., secs. 281-286], nor the mining and sale of potassium compounds as a by-product from sodium leases taken under this section: *Provided further*, That on application by any lessee the Secretary of the Interior is authorized to modify the rental and royalty provisions stipulated in any existing sodium lease to conform to the provisions of this section. (Feb. 25, 1920, sec. 24, 41 Stat. 447; Dec. 11, 1928, 45 Stat. 1019; 30 U. S. C., sec. 262.)

**1613. Permits to use or lease nonmineral lands for camp sites.**—That in addition to areas of such mineral land which may be included in any such prospecting permits or leases, the Secretary of the Interior, in his discretion, may grant to a permittee or lessee of lands containing sodium deposits, and subject to the payment of an annual rental of not less than 25 cents per acre, the exclusive right to use, during the life of the permit or lease, a tract of unoccupied nonmineral public land, not exceeding forty acres in area, for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease. (Feb. 25, 1920, sec. 25, 41 Stat. 447; 30 U. S. C., sec. 263.)

#### POTASH

**1614. Prospecting permits for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium; authorization; lands affected.**—That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to

prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall not exceed two thousand five hundred and sixty acres of land in reasonably compact form: *Provided further*, That the prospecting provisions of this Act [30 U. S. C., secs. 281-285] shall not apply to lands and deposits in or adjacent to Searles Lake, California, which lands may be leased by the Secretary of the Interior under the terms and provisions of this Act. (Feb. 7, 1927, sec. 1, 44 Stat. 1057; 30 U. S. C., sec. 281.)

**1615. Leases to permittees of lands showing valuable deposits; royalty.**—That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in this Act [30 U. S. C., secs. 281-285] has been discovered by the permittee within the area covered by his permit, and that such land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit, at a royalty of not less than 2 per centum of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market, such lease to be taken in compact form by legal subdivisions of the public-land surveys, or if the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior. (Feb. 7, 1927, sec. 2, 44 Stat. 1057; 30 U. S. C., sec. 282.)

**1616. Lands containing valuable deposits and not covered by permits or leases; authority to lease; conditions; partial exemptions from rental and royalty of leases resulting from prospecting permits.**—That lands known to contain valuable deposits enumerated in this Act [30 U. S. C., secs. 281-285] and not covered by permits or leases shall be held subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres; all leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, not less than 2 per centum of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market, and the payment in advance of a rental of 25 cents per acre for the first calendar year or fraction thereof; 50 cents per acre for the second, third, fourth, and fifth years, respectively; and \$1 per acre per annum thereafter during the continuance of the lease, such rental for any year being credited against royalties accruing for that year. Leases under this Act [30 U. S. C., secs. 281-285] shall be for a period of 20 years, with preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the expiration of such periods. In the discretion of the Secretary of the Interior the area involved in any lease resulting from a prospecting permit may be exempt from any rental in excess of 25 cents per acre for twenty years succeeding its issue, and the production of potassium compounds under such a lease may be exempt from any royalty in excess of the minimum pre-

scribed in this Act [30 U. S. C., secs. 281-285] for the same period. (Feb. 7, 1927, sec. 3, 44 Stat. 1057; 30 U. S. C., sec. 283.)

**1617.** Lands containing coal or other minerals in addition to potassium deposits; issuance of prospecting permits and leases; covenants in potassium leases.—That prospecting permits or leases may be issued under the provisions of this Act [30 U. S. C., secs. 281-285] for deposits of potassium in public lands, also containing deposits of coal or other minerals, on condition that such other deposits be reserved to the United States for disposal under appropriate laws: *Provided*, That if the interests of the Government and of the lessee will be subserved thereby, potassium leases may include covenants providing for the development by the lessee of chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium, magnesium, aluminum, or calcium, associated with the potassium deposits leased, on terms and conditions not inconsistent with the sodium provisions of the Act of February 25, 1920 (Forty-first Statutes at Large, page 437) [30 U. S. C., secs. 261, 263]: *Provided further*, That where valuable deposits of mineral now subject to disposition under the general mining laws are found in fissure veins on any of the lands subject to permit or lease under this Act [30 U. S. C., secs. 281-285], the valuable minerals so found shall continue subject to disposition under the said general mining laws notwithstanding the presence of potash therein. (Feb. 7, 1927, sec. 4, 44 Stat. 1058; 30 U. S. C., sec. 284.)

**1618.** Laws applicable.—That the general provisions of sections 1 and 26 to 38, inclusive, of the Act of February 25, 1920, entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain" [30 U. S. C., secs. 181-194], are made applicable to permits and leases under this Act [30 U. S. C., secs. 281-285], the first and thirty-seventh sections thereof being amended to include deposits of potassium. (Feb. 7, 1927, sec. 5, 44 Stat. 1058; 30 U. S. C., sec. 285.)

**1619.** Repeal of act authorizing exploration for and disposition of potassium.—That the Act of October 2, 1917 (Fortieth Statutes at Large, page 297), entitled "An Act to authorize exploration for and disposition of potassium" [30 U. S. C., secs. 141-152], is hereby repealed, but this repeal shall not affect pending applications for permits or leases filed prior to January 1, 1926, or valid claims existent at date of the passage of this Act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery. (Feb. 7, 1927, sec. 6, 44 Stat. 1058; 30 U. S. C., sec. 286.)

**1620.** Extension of prospecting permits.—Any prospecting permit issued under this Act [30 U. S. C., secs. 281-285] may be extended by the Secretary of the Interior for a period not exceeding two years, upon a showing of satisfactory cause. (Feb. 7, 1927, sec. 7 as added May 7, 1932, sec. 7, 47 Stat. 151; 30 U. S. C., sec. 287.)

#### LEASE OF OIL OR GAS DEPOSITS IN OR UNDER RAILROADS AND OTHER RIGHTS-OF-WAY

**1621.** Authorization for lease of oil and gas deposits.—That whenever the Secretary of the Interior shall deem it to be consistent with the public interest he is authorized to lease deposits of oil and gas in or under lands embraced in railroad or other rights-of-way acquired under any law of the United States, whether the same be a base

fee or mere easement: *Provided*, That, except as hereinafter authorized, no lease shall be executed hereunder except to the municipality, corporation, firm, association, or individual by whom such right-of-way was acquired, or to the lawful successor, assignee, or transferee of such municipality, corporation, firm, association, or individual. (May 21, 1930, sec. 1, 46 Stat. 373; 30 U. S. C., sec. 301.)

**1622. Assignment of lease; subletting.**—That the right conferred by this Act may, subject to the approval of the Secretary of the Interior, be assigned or sublet by the owner thereof to any corporation, firm, association, or individual. (May 21, 1930, sec. 2, 46 Stat. 373; 30 U. S. C., sec. 302.)

**1623. Conditions precedent to award of lease; preferred class; bidding.**—That prior to the award of any lease under section 1 of this Act [30 U. S. C., sec. 301], the Secretary of the Interior shall notify the owner or lessee of adjoining lands and allow him a reasonable time, to be fixed in the notice given, within which to submit an offer or bid of the amount or percentage of compensatory royalty that such owner will agree to pay for the extraction through wells on his or its adjoining land, of the oil or gas under and from such adjoining right-of-way, and at the same time afford the holder of the railroad or other right-of-way a like opportunity within the same time to submit its bid or offer as to the amount or percentage of royalty it will agree to pay, if a lease for the extraction of the oil and gas deposits under the right-of-way be awarded to the holder of such right-of-way. In case of competing offers by the said parties in interest, the Secretary shall award the right to extract the oil and gas to the bidder, duly qualified, making the offer in his opinion most advantageous to the United States. In case but one bid or offer is received after notice duly given, he may, in his discretion award the right to extract the oil and gas to such bidder. (May 21, 1930, sec. 3, 46 Stat. 374; 30 U. S. C., sec. 303.)

**1624. Provisions authorized in lease.**—That any lease granted by the Secretary of the Interior pursuant to this Act may, in the discretion of said Secretary, contain a provision giving the lessee the right, with the approval of said Secretary, to shut down the operation of any well or wells the operation of which has become unprofitable, to resume operations when such resumption may result in profit, and to abandon any well or wells that cease to produce oil and/or gas in paying quantities. (May 21, 1930, sec. 4, 46 Stat. 374; 30 U. S. C., sec. 304.)

**1625. Royalties.**—That the royalty to be paid to the United States under any lease to be issued, or agreement made pursuant to this Act, shall be determined by the Secretary of the Interior, in no case to be less than 12½ per centum in amount or value of the production, nor for more than twenty years: *Provided*, That when the oil or gas is produced from land adjacent to the right-of-way the amount or value of the royalty to be paid to the United States shall be within the discretion of the Secretary of the Interior: *Provided further*, That when the daily average production of any oil well does not exceed ten barrels per day said Secretary may, in his discretion, reduce the royalty on subsequent production. (May 21, 1930, sec. 5, 46 Stat. 374; 30 U. S. C., sec. 305.)

**1626. Rules and regulations.**—That the Secretary of the Interior is authorized and directed to adopt rules and regulations governing

the exercise of the discretion and authority conferred by this Act, which rules and regulations shall constitute a part of any application or lease hereunder. (May 21, 1930, sec. 6, 46 Stat. 374; 30 U. S. C., sec. 306.)

## MONEY AND FINANCE

### NATIONAL BUDGET AND AUDIT SYSTEM

#### THE BUDGET

**1627. President to transmit Budget to Congress; contents.**—The President shall transmit to Congress on the first day of each regular session, the Budget, which shall set forth in summary and in detail:

(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year; except that the estimates for such year for the Legislative Branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15th of each year, and shall be included by him in the Budget without revision;

(b) His estimates of the receipts of the Government during the ensuing fiscal year, under (1) laws existing at the time the Budget is transmitted and also (2) under the revenue proposals, if any, contained in the Budget;

(c) The expenditures and receipts of the Government during the last completed fiscal year;

(d) Estimates of the expenditures and receipts of the Government during the fiscal year in progress;

(e) The amount of annual, permanent, or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress, as of November 1 of each year;

(f) Balanced statements of (1) the condition of the Treasury at the end of the last completed fiscal year, (2) the estimated condition of the Treasury at the end of the fiscal year in progress, and (3) the estimated condition of the Treasury at the end of the ensuing fiscal year if the financial proposals contained in the Budget are adopted;

(g) All essential facts regarding the bonded and other indebtedness of the Government; and

(h) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government. (June 10, 1921, sec. 201, 42 Stat. 20; 31 U. S. C., sec. 11.)

**1628. Recommendations of President accompanying Budget.**—(a) If the estimated receipts for the ensuing fiscal year contained in the Budget, on the basis of laws existing at the time the Budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the Budget, the President in the Budget shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

(b) If the aggregate of such estimated receipts and such estimated amounts in the Treasury is greater than such estimated ex-

penditures for the ensuing fiscal year, he shall make such recommendations as in his opinion the public interests require. (June 10, 1921, sec. 202, 42 Stat. 21; 31 U. S. C., sec. 13.)

**1629. Supplemental or deficiency estimates.**—(a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the Budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the Budget.

(b) Whenever such supplemental or deficiency estimates reach an aggregate which, if they had been contained in the Budget, would have required the President to make a recommendation under subdivision (a) of section 202 [31 U. S. C., sec. 13], he shall thereupon make such recommendation. (June 10, 1921, sec. 203, 42 Stat. 21; 31 U. S. C., sec. 14.)

**1630. Estimates or requests for appropriations, etc., not to be submitted by officers or employees unless at request.**—No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by any officer or employee of any department or establishment, unless at the request of either House of Congress. (June 10, 1921, sec. 206, 42 Stat. 21; 31 U. S. C., sec. 15.)

**1631. Bureau of Budget; Director and Assistant Director.**—There is hereby created in the Treasury Department a Bureau to be known as the Bureau of the Budget. There shall be in the Bureau a Director and an Assistant Director, who shall be appointed by the President and receive salaries of \$10,000 and \$7,500 a year, respectively. The Assistant Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director or during a vacancy in the office of Director he shall act as Director. The Bureau, under such rules and regulations as the President may prescribe, shall prepare for him the Budget, the alternative Budget, and any supplemental or deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments or establishments. (June 10, 1921, sec. 207, 42 Stat. 22; 31 U. S. C., sec. 16.)

**1632. Detailed study of departments and establishments by Bureau.**—The Bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services. The results of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports or any part thereof with his recommendations on the matters covered thereby. (June 10, 1921, sec. 209, 42 Stat. 22; 31 U. S. C., sec. 18.)

**1633. Aid and information for committees of Congress.**—The Bureau shall, at the request of any committee of either House of Congress

having jurisdiction over revenue or appropriations, furnish the committee such aid and information as it may request. (June 10, 1921, sec. 212, 42 Stat. 23; 31 U. S. C., sec. 20.)

**1634. Information for Bureau by departments and establishments; access to books, papers, etc.**—Under such regulations as the President may prescribe, (1) every department and establishment shall furnish to the Bureau such information as the Bureau may from time to time require, and (2) the Director and the Assistant Director, or any employee of the Bureau when duly authorized, shall, for the purpose of securing such information, have access to, and the right to examine, any books, documents, papers, or records of any such department or establishment. (June 10, 1921, sec. 213, 42 Stat. 23; 31 U. S. C., sec. 21.)

**1635. Budget officers of departments and establishments; designation; duties.**—(a) The head of each department and establishment shall designate an official thereof as budget officer therefor, who, in each year under his direction and on or before a date fixed by him, shall prepare the departmental estimates.

(b) Such budget officer shall also prepare, under the direction of the head of the department or establishment, such supplemental and deficiency estimates as may be required for its work. (June 10, 1921, sec. 214, 42 Stat. 23; 31 U. S. C., sec. 22.)

**1636. Departmental estimates; revision; time for submission to Bureau; failure to submit.**—The head of each department and establishment shall revise the departmental estimates and submit them to the Bureau on or before September 15 of each year. In case of his failure so to do, the President shall cause to be prepared such estimates and data as are necessary to enable him to include in the Budget estimates and statements in respect to the work of such department or establishment. (June 10, 1921, sec. 215, 42 Stat. 23; 31 U. S. C., sec. 23.)

**1637. Same; form and manner of submission.**—The departmental estimates and any supplemental or deficiency estimates submitted to the Bureau by the head of any department or establishment shall be prepared and submitted in such form, manner, and detail as the President may prescribe. (June 10, 1921, sec. 216, 42 Stat. 23; 31 U. S. C., sec. 24.)

#### GENERAL ACCOUNTING OFFICE

**1638. General Accounting Office created under Comptroller General; offices of Comptroller of Treasury and Assistant Comptroller of Treasury abolished.**—There is created an establishment of the Government to be known as the General Accounting Office, which shall be independent of the executive departments and under the control and direction of the Comptroller General of the United States. The offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury are abolished, to take effect July 1, 1921. All other officers and employees of the office of the Comptroller of the Treasury shall become officers and employees in the General Accounting Office at their grades and salaries on July 1, 1921, and all books, records, documents, papers, furniture, office equipment and other property of the office of the Comptroller of the Treasury shall become the property of the General Accounting Office. The Com-

troller General is authorized to adopt a seal for the General Accounting Office. (June 10, 1921, sec. 301, 42 Stat. 23; 31 U. S. C., sec. 41.)

**1639. Comptroller General and Assistant Comptroller General.**—There shall be in the General Accounting Office a Comptroller General of the United States and an Assistant Comptroller General of the United States, who shall be appointed by the President with the advice and consent of the Senate, and shall receive salaries of \$10,000 and \$7,500 a year, respectively. The Assistant Comptroller General shall perform such duties as may be assigned to him by the Comptroller General, and during the absence or incapacity of the Comptroller General, or during a vacancy in that office, shall act as Comptroller General. (June 10, 1921, sec. 302, 42 Stat. 23; 31 U. S. C., sec. 42.)

**1640. Certain powers and duties transferred to General Accounting Office; conclusiveness of balances certified by Comptroller General.**—All powers and duties now conferred or imposed by law upon the Comptroller of the Treasury or the six auditors of the Treasury Department, and the duties of the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers shall, so far as not inconsistent with this Act, be vested in and imposed upon the General Accounting Office and be exercised without direction from any other officer. The balances certified by the Comptroller General shall be final and conclusive upon the executive branch of the Government. The revision by the Comptroller General of settlements made by the six auditors shall be discontinued, except as to settlements made before July 1, 1921. (June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 44.)

**1641. Offices of Auditors abolished.**—The offices of the six auditors shall be abolished, to take effect July 1, 1921. All other officers and employees of these offices except as otherwise provided herein shall become officers and employees of the General Accounting Office at their grades and salaries on July 1, 1921. All books, records, documents, papers, furniture, office equipment, and other property of these offices, and of the Division of Bookkeeping and Warrants, so far as they relate to the work of such division transferred by section 304 [31 U. S. C., sec. 44], shall become the property of the General Accounting Office. (June 10, 1921, sec. 310, 42 Stat. 25.)

**1642. Payment of adjusted accounts or claims.**—The Comptroller General may provide for the payment of accounts or claims adjusted and settled in the General Accounting Office, through disbursing officers of the several departments and establishments, instead of by warrant. (June 10, 1921, sec. 307, 42 Stat. 25; 31 U. S. C., sec. 47.)

**1643. Forms, systems, and procedure prescribed by Comptroller General.**—The Comptroller General shall prescribe the forms, systems, and procedure for administrative appropriation and fund accounting in the several departments and establishments, and for the administrative examination of fiscal officers' accounts and claims against the United States. (June 10, 1921, sec. 309, 42 Stat. 25; 31 U. S. C., sec. 49.)

**1644. Investigation and reports by Comptroller General.**—(a) The Comptroller General shall investigate, at the seat of government or elsewhere, all matters relating to the receipt, disbursement, and ap-

plication of public funds, and shall make to the President when requested by him, and to Congress at the beginning of each regular session, a report in writing of the work of the General Accounting Office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt, disbursement, and application of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures.

(b) He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The Comptroller General shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as it may request.

(c) The Comptroller General shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law.

(d) He shall submit to Congress reports upon the adequacy and effectiveness of the administrative examination of accounts and claims in the respective departments and establishments and upon the adequacy and effectiveness of departmental inspection of the offices and accounts of fiscal officers.

(e) He shall furnish such information relating to expenditures and accounting to the Bureau of the Budget as it may request from time to time. (June 10, 1921, sec. 312, 42 Stat. 25; 31 U. S. C., sec. 53.)

**1645. Information furnished to Comptroller General by departments and establishments.**—All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. (June 10, 1921, sec. 313, 42 Stat. 26; 31 U. S. C., sec. 54.)

#### AUDIT AND SETTLEMENT OF ACCOUNTS

**1646. Public accounts to be settled in the General Accounting Office.**—All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office. (R. S. sec. 236; June 10, 1921, sec. 305, 42 Stat. 24; 31 U. S. C., sec. 71.)

**1647. Certified balances of public account; suspension of items; preservation of vouchers; decision of questions involving payment.**—The balances which may from time to time be certified by the General Accounting Office upon the settlements of public accounts shall be final and conclusive upon the Executive Branch of the Government, except that any person whose accounts may have been settled, the head of the Executive Department, or of the board, commission, or estab-

lishment not under the jurisdiction of an Executive Department, to which the account pertains, or the Comptroller General of the United States, may, within a year, obtain a revision of the said account by the Comptroller General of the United States, whose decision upon such revision shall be final and conclusive upon the Executive Branch of the Government: *Provided*, That the Comptroller General of the United States may, when in his judgment the interests of the Government require it, suspend payment and direct the re-examination of any account. \* \* \* but nothing in this Act shall prevent the General Accounting Office from suspending items in an account in order to obtain further evidence or explanations necessary to their settlement. When suspended items are finally settled a revision may be had as in the case of the original settlement.

The General Accounting Office shall preserve, with their vouchers and certificates, all accounts which have been finally adjusted.

Disbursing officers, or the head of any Executive Department, or other establishment not under any of the Executive Departments, may apply for and the Comptroller General of the United States shall render his decision upon any question involving a payment to be made by them or under them, which decision, when rendered, shall govern the General Accounting Office in passing upon the account containing said disbursement. (July 31, 1894, sec. 8, 28 Stat. 207; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 74.)

**1648. Regulations for carrying out provisions of Act.**—It shall be the duty of the Secretary of the Treasury to make appropriate rules and regulations for carrying out the provisions of this Act [31 U. S. C., secs. 74, 76, 78, 87, and 496], and for transferring or preserving books, papers, or other property appertaining to any office or branch of business affected by it.

It shall also be the duty of the heads of the several Executive Departments and of the proper officers of other Government establishments not within the jurisdiction of any Executive Department to make appropriate rules and regulations to secure a proper administrative examination of all accounts sent to them, as required by section twelve of this Act [31 U. S. C., sec. 78], before their transmission to the General Accounting Office, and for the execution of other requirements of this Act insofar as the same relate to the several Departments or establishments. (July 31, 1894, sec. 22, 28 Stat. 210; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 75.)

**1649. Rendition of current accounts.**—All monthly accounts shall be mailed or otherwise sent to the proper officer at Washington within ten days after the end of the month to which they relate, and quarterly and other accounts within twenty days after the period to which they relate, and shall be transmitted to and received by the General Accounting Office within twenty days of their actual receipt at the proper office in Washington in the case of monthly, and sixty days in the case of quarterly and other accounts. Should there be any delinquency in this regard at the time of the receipt by the General Accounting Office of a requisition for an advance of money, said office shall disapprove the requisition, which said office may also do for other reasons arising out of the condition of the officer's accounts for whom the advance is requested; but the Secretary of the Treasury may overrule the General Accounting Office decision as to the

sufficiency of these latter reasons: *Provided*, That the Secretary of the Treasury shall prescribe suitable rules and regulations, and may make orders in particular cases, relaxing the requirement of mailing or otherwise sending accounts, as aforesaid, within ten or twenty days, or waiving delinquency, in such cases only in which there is, or is likely to be, a manifest physical difficulty in complying with the same, it being the purpose of this provision to require the prompt rendition of accounts without regard to the mere convenience of the officers, and to forbid the advance of money to those delinquent in rendering them: *Provided further*, That should there be a delay by the administrative Departments beyond the aforesaid twenty or sixty days in transmitting accounts, an order of the President, or, in the event of the absence from the seat of Government or sickness of the President, an order of the Secretary of the Treasury, in the particular case, shall be necessary to authorize the advance of money requested. (July 31, 1894, sec. 12, 28 Stat. 209; Mar. 29, 1895, sec. 4, 28 Stat. 807; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 78.)

**1650. Administrative examination of accounts.**—Hereafter the administrative examination of all public accounts, preliminary to their audit by the General Accounting Office, shall be made as contemplated by the so-called Dockery Act, approved July thirty-first, eighteen hundred and ninety-four [31 U. S. C., sec. 78], and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except those vouchers heretofore prepared outside of Washington may continue to be so prepared and the disbursing officers shall make only such examination of vouchers as may be necessary to ascertain whether they represent legal claims against the United States. (Aug. 23, 1912, sec. 1, 37 Stat. 375; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 82.)

**1651. Accounts presented without administrative examination.**—In the case of claims presented to the General Accounting Office which have not had an administrative examination, the Comptroller General shall cause them to be examined by two of his subordinates independently of each other. (July 31, 1894, sec. 14, 28 Stat. 210; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 86.)

**1652. Property returns by officers.**—That instead of forwarding to the General Accounting Office returns of public property entrusted to the possession of officers or agents, the Quartermaster General, the Surgeon General, the Chief of Engineers, the Chief of Ordnance, the Chief Signal Officer, the Paymaster General of the Navy, the Commissioner of Indian Affairs, or other like chief officers in any Department, by, through, or under whom stores, supplies, and other public property are received for distribution, or whose duty it is to receive or examine returns of such property, shall certify to the General Accounting Office, for debiting on the proper account, any charge against any officer or agent intrusted with public property, arising from any loss, accruing by his fault, to the Government as to the property so entrusted to him. (Mar. 29, 1894, sec. 1, 28 Stat. 47; Aug. 24, 1912, sec. 3, 37 Stat. 591; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 89.)

**1653. Certificate as to lost property.**—That said certificate shall set forth the condition of such officer's or agent's property returns, that

it includes all charges made up to its date and not previously certified, that he has had a reasonable opportunity to be heard and has not been relieved of responsibility; the effect of such certificate, when received, shall be the same as if the facts therein set forth had been ascertained by the General Accounting Office. (Mar. 2, 1894, sec. 2, 28 Stat. 47; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 90.)

**1654. Manner of making returns.**—That the manner of making property returns to or in any administrative bureau or department, or of ascertaining liability for property, under existing laws and regulations, shall not be affected by this Act [31 U. S. C., secs. 89-92], except as provided in section one [31 U. S. C., sec. 89]; but in all cases arising as to such property so entrusted the officer or agent shall have an opportunity to relieve himself from liability. (Mar. 29, 1894, sec. 3, 28 Stat. 47; 31 U. S. C., sec. 91.)

**1655. Regulations.**—That the heads of the several Departments are hereby empowered to make and enforce regulations to carry out the provisions of this Act [31 U. S. C., secs. 89-92]. (Mar. 29, 1894, sec. 4, 28 Stat. 47; 31 U. S. C., sec. 92.)

**1656. Allowances of lost checks.**—Whenever the disbursing officer or agent by whom was issued any check which has been lost, destroyed, or stolen, is dead, or no longer in the service of the United States, the General Accounting Office shall state an account in favor of the owner of such original check for the amount thereof, and charge such amount to the account of such officer or agent. (R. S., secs. 300, 3647; May 27, 1908, 35 Stat. 415; Feb. 23, 1909, 35 Stat. 644; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 119.)

#### THE TREASURER

**1657. Liabilities outstanding 3 or more years.**—At the termination of each fiscal year all amounts of moneys that are represented by certificates, drafts, or checks, issued by the Treasurer, or by any disbursing officer of any Department of the Government, upon the Treasurer or designated depositary of the United States, or upon any national bank designated as a depositary of the United States, and which shall be represented on the books of either of such offices as standing to the credit of any disbursing officer, and which were issued to facilitate the payment of warrants, or for any other purpose in liquidation of a debt due from the United States, and which have for three years or more remained outstanding, unsatisfied, and unpaid, shall be deposited by the Treasurer, to be covered into the Treasury by warrant, and to be carried to the credit of the parties in whose favor such certificates, drafts, or checks were respectively issued, or to the persons who are entitled to receive pay therefor, and into an appropriation account to be denominated "outstanding liabilities." (R. S., sec. 306; May 29, 1920, sec. 1, 41 Stat. 654; 31 U. S. C., sec. 149.)

**1658. Vouchers for drafts remaining unpaid.**—The certificate of the Secretary of the Treasury, stating that the amount of any draft issued by the Treasurer, to facilitate the payment of a warrant directed to him for payment, has remained outstanding and unpaid for three years or more, and has been deposited and covered into the Treasury in the manner prescribed by the preceding section [31 U. S. C., sec. 149], shall be, when attached to any such warrant, a sufficient voucher in satisfaction of any such warrant or part of any warrant, the same

as if the drafts correctly indorsed and fully satisfied were attached to such warrant or part of warrant. And all such moneys mentioned in this and in the preceding section shall remain as a permanent appropriation for the redemption and payment of all such outstanding and unpaid certificates, drafts, and checks. (R. S., sec. 307; July 31, 1894, sec. 16, 28 Stat. 210; 31 U. S. C., sec. 150.)

**1659. Payment upon presentation of outstanding drafts.**—The payee or the bona-fide holder of any draft or check the amount of which has been deposited and covered into the Treasury pursuant to the preceding sections [31 U. S. C., secs. 149, 150], shall, on presenting the same to the proper officer of the Treasury, be entitled to have it paid by the settlement of an account and the issuing of a warrant in his favor, according to the practice in other cases of authorized and liquidated claims against the United States. (R. S., sec. 308; 31 U. S. C., sec. 151.)

**1660. Accounts of disbursing officers unchanged for 3 years.**—The amounts, except such as are provided for in section three hundred and six [31 U. S. C., sec. 149], of the accounts of every kind of disbursing officer, which shall have remained unchanged, or which shall not have been increased by any new deposit thereto, nor decreased by drafts drawn thereon, for the space of three years, shall in like manner be covered into the Treasury, to the proper appropriation to which they belong; and the amounts thereof shall, on the certificate of the Treasurer that such amount has been deposited in the Treasury, be credited by the General Accounting Office on the books of the Department, to the officer in whose name it had stood on the books of the General Accounting Office, if it appears that he is entitled to such credit. (R. S., sec. 309; June 10, 1921, sec. 305, 42 Stat. 24; 31 U. S. C., sec. 152.)

**1661. Reports by Treasurer and depositaries.**—The Treasurer, each designated depositary of the United States, and the cashier of each of the national banks designated as such depositaries, shall, at the close of business on every thirtieth day of June, report to the Secretary of the Treasury the condition of every account standing, as in the preceding section specified, on the books of their respective offices, stating the name of each depositor, with his official designation, the total amount remaining on deposit to his credit, and the dates, respectively, of the last credit and the last debit made to each account. (R. S., sec. 310; July 1, 1916, sec. 5, 39 Stat. 336; May 29, 1920, 41 Stat. 654; 31 U. S. C., sec. 153.)

**1662. Reports of unpaid checks by General Accounting Office.**—That hereafter at the termination of each fiscal year the General Accounting Office shall report to the Secretary of the Treasury all checks issued by any disbursing officer of the Government as shown by his accounts rendered to the General Accounting Office, which shall then have been outstanding and unpaid for three years or more, stating fully in such report the name of the payee, for what purpose each check was given, the office on which drawn, the number of the voucher received therefor, the date, the number, and the amount for which it was drawn, and, when known, the residence of the payee. (July 1, 1916, sec. 5, 39 Stat. 336; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 154.)

## BUREAU OF ENGRAVING AND PRINTING

**1663.** Impressions of portraits.—That the Secretary of the Treasury at the request of a Senator, Representative, or Delegate in Congress, the head of a department or bureau, art association, or library, be, and he is hereby authorized to furnish impressions from any portrait or vignette which is now, or may hereafter be, a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests. (Dec. 22, 1879, 21 Stat. 59; 31 U. S. C., sec. 174.)

## DEBTS DUE BY OR TO THE UNITED STATES

**1664.** Oath by persons prosecuting claims.—Any person prosecuting claims, either as attorney or on his own account, before any of the Departments or Bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, as required of persons in the civil service. (R. S., sec. 3478; 31 U. S. C., sec. 204.)

**1665.** Settlement of claims not exceeding \$1,000; certification to Congress of amounts found due; time of presentation.—That authority is hereby conferred upon the head of each department and establishment acting on behalf of the Government of the United States to consider, ascertain, adjust, and determine any claim accruing after April 6, 1917, on account of damages to or loss of privately owned property where the amount of the claim does not exceed \$1,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment. Such amount as may be found to be due to any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered by a department or other independent establishment unless presented to it within one year from the date of the accrual of said claim. (Dec. 28, 1922, sec. 2, 42 Stat. 1066; 31 U. S. C., sec. 215.)

**1666.** Definitions.—That when used in this Act [31 U. S. C., secs. 215–217] the terms "department and establishment" and "department or establishment" mean any executive department or other independent establishment of the Government; the word "employee" shall include enlisted men in the Army, Navy, and Marine Corps. (Dec. 28, 1922, sec. 1, 42 Stat. 1066; 31 U. S. C., sec. 216.)

**1667.** Acceptance of amount found due deemed full settlement.—That acceptance by any claimant of the amount determined under the provisions of this Act shall be deemed to be in full settlement of such claim against the Government of the United States. (Dec. 28, 1922, sec. 3, 42 Stat. 1066; 31 U. S. C., sec. 217.)

**1667a.** False claims; liability for when made to officers in civil, military, or naval service.—Every person who makes or causes to be made, or presents or causes to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent, or who, for the purpose of

obtaining or aiding to obtain the payment or approval of such claim, makes, uses, or causes to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, or who enters into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, or who, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, who, with intent to defraud the United States or willfully to conceal such money or other property, delivers or causes to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt, and every person authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, who makes or delivers the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, and every person who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service any arms, equipments, ammunition, clothes, military stores, or other public property, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, every person so offending in any of the matters set forth in this section shall be imprisoned at hard labor for not less than one nor more than five years, or fined not less than one thousand nor more than five thousand dollars. (R. S., sec. 5438; 31 U. S. C., sec. 231.)

**1667b.** Same; liability of persons not in military or naval forces for making.—Any person not in the military or naval forces of the United States, or in the militia called into or actually employed in the service of the United States, who shall do or commit any of the acts prohibited by any of the provisions of section fifty-four hundred and thirty-eight, Title "Crimes", shall forfeit and pay to the United States the sum of two thousand dollars, and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit. (R. S., sec. 3490; 31 U. S. C., sec. 231.)

**1667c.** Same; suit.—The several district courts of the United States, the Supreme Court of the District of Columbia, the several district courts of the Territories of the United States, within whose jurisdictional limits the person doing or committing such act shall be found, shall, wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit. Such suit may be brought and carried on by any person, as well for himself as for the United States; the same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the district attorney, first filed in the case, setting forth their reasons for such consent. (R. S., sec. 3491; 31 U. S. C., sec. 232.)

**1667d. Same; duty of district attorney.**—It shall be the duty of the several district attorneys of the United States for the respective districts, for the District of Columbia, and for the several Territories, to be diligent in inquiring into any violation of the provisions of section thirty-four hundred and ninety [31 U. S. C., sec. 391] by persons liable to such suit, and found within their respective districts or Territories, and to cause them to be proceeded against in due form of law for the recovery of such forfeiture and damages. And such person may be arrested and held to bail in such sum as the district judge may order, not exceeding the sum of two thousand dollars, and twice the amount of the damages sworn to in the affidavit of the person bringing the suit. (R. S., sec. 3492; 31 U. S. C., sec. 233.)

**1667e. Same; right of person bringing suit.**—The person bringing said suit and prosecuting it to final judgment shall be entitled to receive one-half the amount of such forfeiture, as well as one-half the amount of the damages he shall recover and collect; and the other half thereof shall belong to and be paid over to the United States; and such person shall be entitled to receive to his own use all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: *Provided*, That such person shall be liable for all costs incurred by himself in the case, and shall have no claim therefor on the United States. (R. S., sec. 3493; 31 U. S. C., sec. 233.)

**1667f. Same; statute of limitations.**—Every such suit shall be commenced within six years from the commission of the act, and not afterward. (R. S., sec. 3494; 31 U. S. C., sec. 234.)

**1667g. Meritorious claims against United States not subject to lawful adjustment; submission to Congress by Comptroller General.**—That when there is filed in the General Accounting Office a claim or demand against the United States that may not lawfully be adjusted by the use of an appropriation theretofore made, but which claim or demand in the judgment of the Comptroller General of the United States contains such elements of legal liability or equity as to be deserving of the consideration of the Congress, he shall submit the same to the Congress by a special report containing the material facts and his recommendation thereon. (Apr. 10, 1928, 45 Stat. 413; 31 U. S. C., sec. 236.)

#### THE PUBLIC MONEYS

**1668. Certain duties of Division of Public Moneys transferred to Division of Bookkeeping and Warrants.**—The duties now appertaining to the Division of Public Moneys of the Office of the Secretary of the Treasury, so far as they relate to the covering of revenues and repayments into the Treasury, the issue of duplicate checks and warrants, and the certification of outstanding liabilities for payment shall be performed by the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury. (June 10, 1921, sec. 308, 42 Stat. 25; 31 U. S. C., sec. 471.)

**1669. Bond of special agents.**—Whenever it becomes necessary for the head of any Department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of public moneys, such agents shall, before entering

upon duty, give bond in such form and with such security as the head of the Department or office employing them may approve. (R. S., sec. 3614; 31 U. S. C., sec. 481.)

**1670. Collectors of public moneys.**—All collectors and receivers of public money of every description, within the District of Columbia, shall, as often as they may be directed by the Secretary of the Treasury or the Postmaster General so to do, pay over to the Treasurer of the United States, at the Treasury, all public moneys collected by them or in their hands. It shall be the duty of the Secretary and Postmaster General, respectively, to direct such payments by the collectors and receivers at all the said places, at least as often as once in each week, and as much oftener as they may think proper. (R. S., sec. 3615; May 29, 1920, sec. 1, 41 Stat. 654; 31 U. S. C., sec. 482.)

**1671. Marshals and district attorneys paying into Treasury.**—All marshals, district attorneys, and other persons than those mentioned in the preceding section [31 U. S. C., sec. 482], having public money to pay to the United States, may pay the same to any depositary constituted by or in pursuance of law, which may be designated by the Secretary of the Treasury. (R. S., sec. 3616; 31 U. S. C., sec. 483.)

**1672. Deposit without deduction.**—The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided [31 U. S. C., sec. 487], shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the Post Office Department. (R. S., sec. 3617; 31 U. S. C., sec. 484.)

**1673. Receipts from private telegrams sent over Government lines.**—All moneys received for the transmission of private dispatches over any and all telegraph lines owned or operated by the United States, shall be paid into the Treasury of the United States, as required by section thirty-six hundred and seventeen of the Revised Statutes [31 U. S. C., sec. 484], and all acts or parts of acts inconsistent herewith are hereby repealed. (Mar. 3, 1883, 22 Stat. 616; 31 U. S. C., sec. 485.)

**1674. Proceeds of sales of material.**—All proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, except the proceeds of the sale or leasing of marine hospitals, or of the sales of Coast Guard cutters, or of the sales of commissary stores to the officers and enlisted men of the Army, or of materials, stores, or supplies sold to officers and soldiers of the Army, or of the sale of condemned Navy clothing, or of sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall be deposited and covered into the Treasury as miscellaneous receipts, on account of "proceeds of Government property", and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law. (R. S., sec. 3618; Feb. 27, 1877, sec. 1, 19 Stat. 249; June 28, 1915, 38 Stat. 800; 31 U. S. C., sec. 487.)

**1675. Payment of expenses of sales from proceeds.**—That from the proceeds of sales of old material, condemned stores, supplies, or

other public property of any kind, before being deposited into the Treasury, either as miscellaneous receipts on account of "proceeds of Government property" or to the credit of the appropriations to which such proceeds are by law authorized to be made, there may be paid the expenses of such sales, as approved by the General Accounting Office, so as to require only the net proceeds of such sales to be deposited into the Treasury, either as miscellaneous receipts or to the credit of such appropriations, as the case may be. (June 8, 1896, sec. 1, 29 Stat. 268; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 489.)

**1676. Penalty for withholding money received.**—Every officer or agent who neglects or refuses to comply with the provisions of section thirty-six hundred and seventeen [31 U. S. C., sec. 484] shall be subject to be removed from office, and to forfeit to the United States any share or part of the moneys withheld, to which he might otherwise be entitled. (R. S., sec. 3619; 31 U. S. C., sec. 490.)

**1677. Duty of disbursing officers.**—It shall be the duty of every disbursing officer having any public money intrusted to him for disbursement, to deposit the same with the Treasurer [or with one of the depositaries of the United States mentioned in 31 U. S. C., sec. 476], and to draw for the same only as it may be required for payments to be made by him in pursuance of law and draw for the same only in favor of the persons to whom payment is made; and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury of the United States. In places, however, where there is no treasurer or depositary, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depository, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors. (R. S., sec. 3620; Feb. 27, 1877, sec. 1, 19 Stat. 249; May 29, 1920, sec. 1, 41 Stat. 654, 655; 31 U. S. C., sec. 492.)

**1678. Acting disbursing officer in case of sickness or unavoidable absence of disbursing clerk or disbursing agent.**—In case of the sickness or unavoidable absence of any disbursing clerk or disbursing agent of any executive department, independent bureau, or office, in Washington, District of Columbia, he may, with the approval of the head of the department, independent bureau, or office, in which said disbursing clerk or agent is employed, authorize the clerk of highest grade employed therein to act in his place, and to discharge all the duties by law or regulations of such disbursing clerk or agent. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases, of the disbursing clerk or disbursing agent, respectively, for whom he acts, and such acting officer shall be required by the head of the department, independent bureau, or office, to give bond to and in such sum as the disbursing clerk or disbursing agent may require. (Mar. 4, 1909, sec. 8, 35 Stat. 1027; 31 U. S. C., sec. 494.)

**1679. Deposit of moneys with public depositary; receipts; postal revenues.**—Every person who shall have moneys of the United States in his hands or possession, and disbursing officers having moneys in their possession not required for current expenditure, shall pay the same to the Treasurer, or some public depositary of the United States, without delay, and in all cases within thirty days of their receipt. And the Treasurer or the public depositary shall issue duplicate receipts for the moneys so paid, transmitting forthwith the original to the Secretary of the Treasury, and delivering the duplicate to the depositor: *Provided*, That postal revenues and debts due to the Post-Office Department shall be paid into the Treasury in the manner now required by law. (R. S., sec. 3621; May 28, 1896, sec. 5, 29 Stat. 179; May 29, 1920, sec. 1, 41 Stat. 654, 655; 31 U. S. C., sec. 495.)

**1680. Accounts.**—Every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay, or emolument shall render his accounts monthly. Such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be sent by mail, or otherwise, to the Bureau to which they pertain, within ten days after the expiration of each successive month, and, after examination there, shall be passed to the General Accounting Office for settlement. Disbursing officers of the Navy shall, however, render their accounts and vouchers direct to the General Accounting Office. In case of the nonreceipt at the General Accounting Office or proper Bureau of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this section. Nothing herein contained shall, however, be construed to restrain the heads of any of the Departments from requiring such other returns or reports from the officer or agent, subject to the control of such heads of Departments as the public interests may require. (R. S., sec. 3622; Feb. 27, 1877, sec. 1, 19 Stat. 249; July 31, 1894, sec. 12, 28 Stat. 209; June 10, 1921, sec. 304, 42 Stat. 24, 31; U. S. C., sec. 496.)

**1681. Disbursing officers.**—That hereafter all disbursing officers of the United States shall render their accounts quarterly; and the Secretary of the Senate shall render his accounts as heretofore; but the Comptroller General of the United States may direct any or all such accounts to be rendered more frequently when in his judgment the public interests may require. (Aug. 30, 1890, sec. 4, 26 Stat. 413; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 497.)

**1682. Distinct accounts required.**—All officers, agents, or other persons, receiving public moneys, shall render distinct accounts of the application thereof, according to the appropriation under which the same may have been advanced to them. (R. S., sec. 3623; 31 U. S. C., sec. 498.)

**1683. Payment by disbursing officers; settlement of transactions by Engineer Department.**—Hereafter in the settlement of transactions between appropriations under the Engineer Department, or between the Engineer Department and another office or bureau of the War Department, or of any other executive department of the Government, payment therefor shall be made by the proper disbursing officer of the Corps of Engineers or of the office, bureau, or department concerned. (Apr. 27, 1914, 38 Stat. 369; 31 U. S. C., sec. 501.)

**1684. Same; Signal Corps.**—That hereafter in the settlement of transactions between appropriations under the Signal Corps, or between the Signal Corps and another office or bureau of the War Department, or of any other executive department of the Government, payment therefor shall be made by the proper disbursing officer of the Signal Corps, or of the office, bureau, or department concerned. (Aug. 29, 1916, sec. 1, 39 Stat. 622; 31 U. S. C., sec. 502.)

**1685. Same; Military Academy.**—That hereafter in settling transactions between appropriations for the support of the United States Military Academy and other bureaus of the War Department, or between the United States Military Academy and any other executive department of the Government, payment therefor shall be made by the disbursing officer of the United States Military Academy or of the office, bureau, or department concerned. (Aug. 11, 1916, 36 Stat. 504; 31 U. S. C., sec. 503.)

**1686. Same; Medical Department.**—That hereafter in the settlement of accounts between the appropriations of the Medical Department and those of any other branch of the Army service, or any bureau or office of the War Department, or any other executive department or establishment of the Government, payment thereof may be made by the proper disbursing officer of the Medical Department or of the branch of the Army service, office, bureau, department, or establishment concerned. (Mar. 4, 1915, sec. 1, 38 Stat. 1080; 31 U. S. C., sec 504.)

**1687. Suits to recover money from officers.**—Whenever any person accountable for public money, neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States, upon the adjustment of his account, the General Accounting Office shall institute suit for the recovery of the same, adding to the sum stated to be due on such account the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per centum per annum, from the time of receiving the money until it shall be repaid into the Treasury. (R. S., sec. 3624; June 10, 1921 sec. 304, 42 Stat. 24; 31 U. S. C., sec. 505.)

**1688. Distress warrant.**—Whenever any collector of the revenue, receiver of public money, or other officer who has received the public money before it is paid into the Treasury of the United States, fails to render his account, or pay over the same in the manner or within the time required by law, it shall be the duty of the General Accounting Office to cause to be stated the account of such officer, exhibiting truly the amount due to the United States, and to certify the same to the General Counsel for the Department of the Treasury, who shall issue a warrant of distress against the delinquent officer and his sureties, directed to the marshall of the district in which such officer and his sureties reside. Where the officer and his sureties reside in different districts, or where they, or either of them, reside in a district other than that in which the estate of either may be, which it is intended to take and sell, then such warrant shall be directed to the marshals of such districts, respectively. (R. S., sec. 3625; Feb. 27, 1877, 19 Stat. 249; July 31, 1894, sec. 4, 28 Stat. 206; June 10, 1921, sec. 304, 42 Stat. 24; May 10, 1934, sec. 512, 48 Stat. 759; 31 U. S. C., sec. 506.)

**1689. Same; contents.**—The warrant of distress shall specify the amount with which such delinquent is chargeable, and the sums, if any, which have been paid. (R. S., sec. 3626; 31 U. S. C., sec. 507.)

**1690. Same; execution against officer.**—The marshal authorized to execute any warrant of distress shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town and county where the goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside. If the goods and chattels be not sufficient to satisfy the warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law. (R. S., sec. 3627; 31 U. S. C., sec. 508.)

**1691. Same; execution against surety.**—If the delinquent officer absconds, or if goods and chattels belonging to him cannot be found sufficient to satisfy the warrant, the marshal or his deputy shall proceed, notwithstanding the commitment of the delinquent officer, to levy and collect the sum which remains due by such delinquent, by the distress and sale of the goods and chattels of his sureties; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the goods or chattels were taken, or in the town or county where the owner resides. (R. S., sec. 3628; 31 U. S. C., sec. 509.)

**1692. Levy to be a lien.**—The amount due by any delinquent officer is declared to be a lien upon the lands, tenements, and hereditaments of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof made in the office of the clerk of the district court of the proper district, until the same is discharged according to law. (R. S., sec. 3629; 31 U. S. C., sec. 510.)

**1693. Sale of lands regulated.**—For want of goods and chattels of a delinquent officer, or his sureties, sufficient to satisfy any warrant of distress issued pursuant to the foregoing provisions, the lands, tenements, and hereditaments of such officer and his sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, before the time of sale, shall be sold by the marshal of such district or his deputy. (R. S., sec. 3630; 31 U. S. C., sec. 511.)

**1694. Conveyance of lands.**—For all lands, tenements, or hereditaments sold in pursuance of the preceding section, the conveyance of the marshal or his deputy, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer or his sureties. (R. S., sec. 3631; 31 U. S. C., sec. 512.)

**1695. Disposal of surplus.**—All moneys which may remain of the proceeds of sales, after satisfying the warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be. (R. S., sec. 3632; 31 U. S. C., sec. 513.)

**1696. Failure of disbursing officer to account.**—Whenever any officer employed in the civil, military, or naval service of the Government, to disburse the public money appropriated for those branches of the public service, respectively, fails to render his accounts, or to pay over, in the manner and in the times required by law, or by the regulations of the Department to which he is accountable, any sum of money remaining in his hands, it shall be the duty of the General Accounting Office to cause to be stated and certified the account of such delinquent officer to the General Counsel for the Department of the Treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the six preceding sections. (R. S., sec. 3633; July 31, 1894, sec. 4, 28 Stat. 206; June 10, 1921, sec. 304, 42 Stat. 24; May 10, 1934, sec. 512, 48 Stat. 758; 31 U. S. C., sec. 514.)

**1697. Extent of application of provisions for distress warrants.**—All the provisions relating to the issuing of a warrant of distress against a delinquent officer shall extend to every officer of the Government charged with the disbursement of the public money, and to their sureties, in the same manner and to the same extent as if they were herein described and enumerated. (R. S., sec. 3634; 37 U. S. C., sec. 516.)

**1698. Postponement of proceedings for nonaccounting.**—With the approval of the Secretary of the Treasury, the institution of proceedings by warrant of distress may be postponed, for a reasonable time, in cases where, in his opinion, the public interest will sustain no injury by such postponement. (R. S., sec. 3635; 31 U. S. C., sec. 517.)

**1699. Injunction to stay distress warrant.**—Any person who considers himself aggrieved by any warrant of distress issued under the foregoing provisions may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge may grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires. But no injunction shall issue till the party applying for it gives bond, with sufficient security, in a sum to be prescribed by the judge, for the performance of such judgment as may be awarded against him; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of the warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it appears to the satisfaction of the judge that the application for the injunction was merely for delay, the judge may add to the lawful interest assessed on all sums found due against the complainant such damages as, with such lawful interest, shall not exceed the rate of ten per centum a year. Such injunction may be granted or dissolved by the district judge either in or out of court. (R. S., sec. 3636; 31 U. S. C., sec. 518.)

**1700. Proceedings on distress.**—When the district judge refuses to grant an injunction to stay proceedings on a distress-warrant, as aforesaid, or dissolves such injunction after it is granted, any person who considers himself aggrieved by the decision in the premises may lay before the circuit justice, or circuit judge of the circuit

within which such district lies, a copy of the proceeding had before the district judge; and thereupon the circuit justice or circuit judge may grant an injunction, or permit an appeal, as the case may be, if, in his opinion, the equity of the case requires it. The same proceedings, subject to the same conditions, shall be had upon such injunction in the circuit court as are prescribed in the district court. (R. S. sec. 3637; 31 U. S. C., sec. 519.)

**1701. Rights of United States reserved.**—Nothing contained in the provisions of this Title [31 U. S. C., ch. 10], relating to distress-warrants shall be construed to take away or impair any right or remedy which the United States might have, by law, for the recovery of taxes, debts, or demands. (R. S., sec. 3638; 31 U. S. C., sec. 520.)

**1702. Duties of officers as custodians of public moneys.**—The Treasurer of the United States, all depositaries designated in accordance with section 1 of the Act of May 29, 1920, (41 Stat. 655; 31 U. S. C., sec. 476), and those performing the duties of assistant treasurer, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land offices, all postmasters, and all public officers of whatsoever character, are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered, by the proper Department or officer of the Government, to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by any law, or by any regulation of the Treasury Department made in conformity to law. The President is authorized, if in his opinion the interest of the United States requires the same, to regulate and increase the sums for which bonds are, or may be, required by law, of all district attorneys, collectors of customs, comptrollers of customs, naval officers, and surveyors of customs, navy agents, quartermaster general, registers of public lands, paymasters in the Army, and by all other officers employed in the disbursement of the public moneys, under the direction of the War or Navy Departments. (R. S., sec. 3639, 11 Stat. 249; Aug. 24, 1912, sec. 3, 37 Stat. 591; Apr. 27, 1914, 38 Stat. 356; May 29, 1920, sec. 1, 41 Stat. 655; June 17, 1930, 46 Stat. 740; 31 U. S. C., sec. 521.)

**1703. Entry of each deposit, transfer, and payment.**—All persons charged by law with the safe-keeping, transfer, and disbursement of the public moneys, other than those connected with the Post Office Department, are required to keep an accurate entry of each sum received and of each payment or transfer. (R. S., sec. 3643; 31 U. S. C., sec. 525.)

**1704. Duplicates for lost, stolen, or destroyed disbursing officers' checks.**—That whenever any original check is lost, stolen, or destroyed disbursing officers and agents of the United States are authorized, within three years from the date of such check, to issue a duplicate check, under such regulations in regard to its issue and payment, and upon the execution of such bond, with sureties, to indemnify the United States, and proof of loss of original check, as the Secre-

tary of the Treasury shall prescribe. \* \* \* (R. S., sec. 3646; Feb. 16, 1885, 23 Stat. 306; Mar. 23, 1906, 34 Stat. 84; June 19, 1906, 34 Stat. 301; May 27, 1908, 35 Stat. 415; Feb. 23, 1909, 35 Stat. 643; Mar. 21, 1916, 39 Stat. 37; 31 U. S. C., sec. 528.)

**1705.** Advances of public money prohibited.—No advance of public money shall be made in any case whatever. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. \* \* \* (R. S., sec. 3648; 31 U. S. C., sec. 529.)

**1706.** Advances of public money for subscriptions to periodicals.—That hereafter subscriptions to periodicals, which have been certified in writing by the respective heads of the executive departments or other Government establishments to be required for official use, may be paid in advance from appropriations available therefor. (Mar. 4, 1915, sec. 5, 38 Stat. 1049; 31 U. S. C., sec. 530.)

**1707.** Same; payment in advance for periodicals.—That hereafter section thirty-six hundred and forty-eight of the Revised Statutes [31 U. S. C., sec. 529], shall not apply to the subscriptions for publications for the Department of Agriculture, and the Secretary of Agriculture is authorized to pay in advance for any publications for the use of this department. (Mar. 4, 1909, 35 Stat. 1054; 31 U. S. C., sec. 530.)

**1708.** Same; Department of Agriculture.—That advances of public money from the appropriations for the Department of Agriculture shall be made by the Secretary of Agriculture only to such chiefs of field parties, agricultural explorers, special agents, and others as shall have given bonds in such sums as the Secretary of Agriculture shall direct. (June 3, 1902, 32 Stat. 303; 31 U. S. C., sec. 533.)

**1709.** Same; Forest Service for fighting forest fires in emergency cases.—Hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the General Accounting Office. (May 23, 1908, 35 Stat. 259; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 534.)

**1710.** Exchange of funds restricted.—No exchange of funds shall be made by any disbursing officer or agent of the Government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold, silver, United States notes, and national-bank notes; and every such disbursing officer, when the means for his disbursements are furnished to him in gold, silver, United States notes, or national-bank notes shall make his payments in the moneys so furnished; or when they are furnished to him in drafts, shall cause those drafts to be presented at their

place of payment, and properly paid according to law, and shall make his payments in the money so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par. And it shall be the duty of the head of the proper Department immediately to suspend from duty any disbursing officer or agent who violates the provisions of this section and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same, and within the knowledge of the Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust and the performance of his duties, as the President may deem just and proper. (R. S., sec. 365; 31 U. S. C., sec. 543.)

**1711. Premiums on sales of public moneys to be accounted for.**—No officer of the United States shall, either directly or indirectly, sell or dispose of to any person, for a premium, any Treasury note, draft, warrant, or other public security, not his private property, or sell or dispose of the avails or proceeds of such note, draft, warrant, or security, in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office. (R. S., sec. 3652; 31 U. S. C., sec. 544.)

**1712. Expenses of fiscal agents.**—The officers, respectively, whose duty it is made by this Title to receive, keep, or disburse the public moneys, as the fiscal agents of the Government, may be allowed any necessary additional expenses for fire-proof chests or vaults, or other necessary expenses for safe-keeping, transferring, or disbursing the moneys; but all such expenses of every character shall be first expressly authorized by the Secretary of the Treasury, whose directions upon all the above subjects, by way of regulation and otherwise, so far as authorized by law, shall be strictly followed by all the officers. And hereafter, no part of the money appropriated for the purposes mentioned in this paragraph shall be expended for clerical services or payment of employees of any nature or grade. (R. S., sec. 3653; Aug. 7, 1882, 22 Stat. 312; Jan. 22, 1925, 43 Stat. 767; 31 U. S. C., sec. 545.)

#### APPROPRIATIONS

**1713. Contents of estimates of appropriations and statements of expenditures; statements accompanying lump-sum appropriations.**—(a) Except as otherwise provided in this Act, the contents, order, and arrangement of the estimates of appropriations and the statements of expenditures and estimated expenditures contained in the Budget or transmitted under section 203 [31 U. S. C., sec. 14], and the notes and other data submitted therewith, shall conform to the requirements of existing law.

(b) Estimates for lump-sum appropriations contained in the Budget or transmitted under section 203 [31 U. S. C., sec. 14], shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations and of the corresponding appropriations for the fiscal year in progress and the last completed fiscal year. Such

statements shall be in lieu of statements of like character now required by law. (June 10, 1921, sec. 204, 42 Stat. 21; 31 U. S. C., sec. 581.)

**1714. Statements required with estimates for lump-sum appropriations.**—That there shall be submitted hereafter, in the annual Budget following every estimate for a general or lump-sum appropriation, except public buildings or other public works constructed under contract, a statement showing in parallel columns:

First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate, including a statement of estimated unit cost of any construction work proposed to be done; and

Second, the number of persons, if any, employed and the rate of compensation paid each, and the amounts expended for each other object or class of expenditure, and the actual unit cost of any construction work done, out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted.

Other notes shall not be submitted following any estimate embraced in the annual Budget other than such as shall suggest changes in form or order of arrangement of estimates and appropriations and reasons for such changes. (Aug. 24, 1912, sec. 6, 37 Stat. 487; Aug. 1, 1914, sec. 10, 38 Stat. 680; June 10, 1921, sec. 204, 42 Stat. 21; 31 U. S. C., sec. 582.)

**1715. Manner of communicating estimates.**—Estimates of expenditures and appropriations communicated to the Bureau of the Budget shall specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded, and shall discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and applications from disbursing officers. They shall also give references to any law or treaty by which the proposed expenditures are, respectively, authorized, specifying the date of each, and the volume and page of the Statutes at Large, or of the Revised Statutes as the case may be, and the section of the act in which the authority is to be found. (R. S., sec. 3660, June 10, 1921, sec. 215, 42 Stat. 23; 31 U. S. C., sec. 585.)

**1716. Order and arrangement of estimates and general appropriation bills.**—Hereafter the estimates for expenses of the Government, except those for sundry civil expenses, shall be prepared and submitted each year according to the order and arrangement of the appropriation Acts for the year preceding. And any changes in such order and arrangement, and transfers of salaries from one office or bureau to another office or bureau, or the consolidation of offices or bureaus desired by the head of any Executive Department may be submitted by note in the estimates. The committees of Congress in reporting general appropriation bills shall, as far as may be practicable, follow the general order and arrangement of the respective appropriation Acts for the year preceding. (June 22, 1906, sec. 4, 34 Stat. 448; June 10, 1921, secs. 203, 204, 42 Stat. 21; 31 U. S. C., sec. 586.)

**1717. Estimates not conforming to requirements rearranged.**—When estimates hereafter transmitted to the Bureau of the Budget for

submission to Congress do not in form and arrangement comply with the provisions of section four of the legislative, executive, and judicial appropriation Act, approved June twenty-second, nineteen hundred and six [31 U. S. C., sec. 586], they shall be rearranged so as to comply with said requirements of law. (Mar. 4, 1909, sec. 4, 35 Stat. 907; June 10, 1921, secs. 204, 215, 42 Stat. 21, 23; 31 U. S. C., sec. 587.)

**1718. Estimates for printing and binding; only appropriations made for printing and binding to be used therefor.**—Hereafter there shall be submitted in the regular annual estimates under and as a part of the expenses for "Printing and binding", estimates for all printing and binding required by each of the Executive Departments, their bureaus and offices, and other Government establishments at Washington, District of Columbia, for each fiscal year; and after the fiscal year nineteen hundred and seven no appropriations other than those made specifically and solely for printing and binding shall be used for such purposes in any Executive Department or other Government establishment in the District of Columbia: *Provided*, That nothing in this section shall apply to stamped envelopes, or envelopes and articles of stationery other than letter heads and note heads, printed in the course of manufacture. (June 30, 1906, sec. 2, 34 Stat. 762; June 10, 1921, sec. 215, 42 Stat. 23; 31 U. S. C., sec. 588.)

**1719. Estimates for printing and binding.**—The head of each of the Executive Departments, and every other public officer who is authorized to have printing and binding done at the Government Printing-Office for the use of his Department or public office, shall include in his annual estimate for appropriations for the next fiscal year such sum or sums as may to him seem necessary "for printing and binding, to be executed under the direction of the Public Printer." (R. S., sec. 3661, Jan. 12, 1895, sec. 17, 28 Stat. 603; 31 U. S. C., sec. 589.)

**1720. Estimates for salaries.**—All estimates for the compensation of officers authorized by law to be employed shall be founded upon the express provisions of law, and not upon the authority of executive distribution (R. S., sec. 3662; 31 U. S. C., sec. 591.)

**1721. Requisites of estimate for appropriations for public works.**—Whenever any estimate submitted to the Bureau of the Budget asks an appropriation for any new specific expenditure, such as the erection of a public building, or the construction of any public work, requiring a plan before the building or work can be properly completed, such estimate shall be accompanied by full plans and detailed estimates of the cost of the whole work. All subsequent estimates for any such work shall state the original estimated cost, the aggregate amount theretofore appropriated for the same, and the amount actually expended thereupon, as well as the amount asked for the current year for which such estimate is made. And if the amount asked is in excess of the original estimate, the full reasons for the excess, and the extent of the anticipated excess, shall be also stated. (R. S., sec. 3663; Feb. 27, 1877, sec. 1, 19 Stat. 249; June 10, 1921, sec. 215, 42 Stat. 23; 31 U. S. C., sec. 594.)

**1722. Estimates; additional explanations.**—Whenever the head of a Department, being about to submit to Congress the annual estimates

of expenditures required for the coming year, finds that the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items not theretofore usual are introduced into such estimates for any year, he shall accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added. (R. S., sec. 3664; 31 U. S. C., sec. 597.)

1723. Same; amount of outstanding appropriations designated.—The head of each Department, in submitting to Congress his estimates of expenditures required in his Department during the year then approaching, shall designate not only the amount required to be appropriated for the next fiscal year, but also the amount of the outstanding appropriation, if there be any, which will probably be required for each particular item of expenditure. (R. S., sec. 3665; 31 U. S. C., sec. 598.)

1724. Same; estimates for Department of Agriculture.—The Secretary of Agriculture shall transmit to Congress in the annual estimates detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture (June 3, 1902, 32 Stat. 303; Mar. 4, 1915, 38 Stat. 1108; Aug. 11, 1916, 39 Stat. 492; June 10, 1931, sec. 204, 42 Stat. 21; May 29, 1928, pars. 89, 93, 45 Stat. 986, 992; 617 U. S. C., sec. 617.)

1725. Estimates; elimination of unnecessary words.—The Bureau of the Budget shall also, as nearly as may be practicable, eliminate from all such estimates unnecessary words and make uniform the language commonly used in expressing purposes or conditions of appropriations. (June 23, 1913, sec. 3, 38 Stat. 75; June 10, 1921, sec. 204, 42 Stat. 21, 22; 31 U. S. C., sec. 623.)

1726. Statements of money received from proceeds of public property or other sources, and of payments therefrom.—Hereafter the Secretary of the Treasury shall require, and it shall be the duty of the head of each Executive Department or other Government establishment to furnish him, within thirty days after the close of each fiscal year, a statement of all money arising from proceeds of public property of any kind or from any source other than the postal service, received by said head of Deparment or other Government establishment during the previous fiscal year for or on account of the public service, or in any other manner in the discharge of his official duties other than as salary or compensation, which was not paid into the General Treasury of the United States together with a detailed account of all payments, if any, made from such funds during such year. All such statements, together with a similar statement applying to the Treasury Department, shall be transmitted by the Secretary of the Treasury to Congress at the beginning of each regular session. (June 30, 1906, sec. 5, 34 Stat. 763; 31 U. S. C., sec. 626.)

1727. Estimates; statements accompanying.—The Bureau of the Budget shall submit, as a part of the appendix to the annual estimates such extracts from the annual reports of the several heads of

Departments and Bureaus as relate to estimates for appropriations, and the necessities therefor. (Mar. 3, 1875, sec. 3, 18 Stat. 370; June 10, 1921, secs. 204, 207, 42 Stat. 21, 22; 31 U. S. C., sec. 624.)

**1728. Construction of appropriation acts.**—No Act of Congress hereafter passed shall be construed to make an appropriation out of the Treasury of the United States, or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such Act shall in specific terms declare an appropriation to be made or that a contract may be executed. (June 30, 1906, sec. 9, 34 Stat. 764; 31 U. S. C. 627.)

**1729. Application of moneys appropriated.**—All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others. (R. S., sec. 3678; 31 U. S. C., sec. 628.)

**1730. Lump-sum appropriations not available for increased salaries.**—That no part of any money contained herein or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or constructing operations of the Government. (Aug. 26, 1912, sec. 7, 37 Stat. 626; Mar. 4, 1913, sec. 4, 37 Stat. 790; 31 U. S. C., sec. 629.)

**1731. Lump-sum appropriations; salaries of scientific and technical workers.**—That hereafter section seven of the Act approved August twenty-sixth, nineteen hundred and twelve (Thirty-seventh Statutes, page six hundred and twenty-six), and any amendments thereto [31 U. S. C., sec. 629], shall not apply to the payment, out of moneys appropriated or which may be hereafter appropriated in lump sum for the Department of Agriculture, for personal services of employees engaged in strictly scientific or technical work: *Provided*, That nothing contained herein shall be construed to authorize the transfer of any person employed at a specific salary and the payment of compensation from lump-sum appropriations at a rate greater than said specific salary. (Mar. 4, 1913, 37 Stat. 854; 31 U. S. C., sec. 630.)

**1732. Expenditures in excess of appropriations; voluntary service forbidden; apportionment of appropriations for contingent expenses or other general purposes.**—No Executive Department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any Department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of prop-

erty. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such Executive Department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month. (R. S., sec. 3679; Mar. 3, 1905, sec. 4, 33 Stat. 1257; Feb. 27, 1906, sec. 3, 34 Stat. 48; 31 U. S. C., sec. 665.)

**1733. Apportionment of contingent funds to offices and bureaus.**—That in addition to the apportionment required by the so-called anti-deficiency Act, approved February twenty-seventh, nineteen hundred and six (*Statutes at Large*, volume thirty-four, page forty-nine) [31 U. S. C., sec. 665], the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and hereafter there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, District of Columbia, which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus. (Aug. 23, 1912, sec. 6, 37 Stat. 414; 31 U. S. C., sec. 669.)

**1734. Footing of paragraphs to determine amount appropriated.**—That hereafter the total amount appropriated in the various paragraphs of an appropriation Act shall be determined by the correct footing up of the specific sums or rates appropriated in each paragraph contained therein unless otherwise expressly provided. (May 28, 1896, sec. 1, 29 Stat. 148; 31 U. S. C., sec. 670.)

**1735. Expenses of commissions and inquiries.**—No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever, growing out of, or in any way connected with,

any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to pay such accounts and charges. This section, however, shall not extend to the contingent fund connected with the foreign intercourse of the Government, placed at the disposal of the President. (R. S., sec. 3681, 31 U. S. C., sec. 672.)

**1736. Use of public moneys or appropriations for compensation or expenses of commission; details from executive departments to such commission.**—That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body. (Mar. 4, 1909, sec. 9, 35 Stat. 1027; 31 U. S. C., sec. 673.)

**1737. Restriction on contingent appropriations.**—No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation. (R. S., sec. 3682; 31 U. S. C., sec. 674.)

**1738. Purchases from contingent funds.**—No part of the contingent fund appropriated to any Department, Bureau, or office, shall be applied to the purchase of any articles except such as the head of the Department shall deem necessary and proper to carry on the business of the Department, Bureau, or office, and shall, by written order, direct to be procured. (R. S., sec. 3683; 31 U. S. C., sec. 675.)

**1739. Purchase of books from appropriations for contingent expenses.**—That hereafter law books, books of reference, and periodicals for use of any Executive Department, or other Government establishment not under an Executive Department, at the seat of Government, shall not be purchased or paid for from any appropriation made for contingent expenses or for any specific or general purpose unless such purchase is authorized and payment therefor specifically provided in the law granting the appropriation. (Mar. 15, 1898, sec. 3, 30 Stat. 316; 31 U. S. C., sec. 678.)

**1740. Expenditures from appropriations for private telephone service.**—That no money appropriated by this or any other Act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed. (Aug. 23, 1912, sec. 7, 37 Stat. 414; 31 U. S. C., sec. 679.)

**1741. Expenditure of moneys for housing, feeding, transporting conventions or meetings prohibited.**—Whereas numerous applications are being received from various organizations requesting lodging, food,

and transportation for the purpose of holding conventions or meetings at Washington and elsewhere; and

Whereas the expenditure of Government funds for such purposes is against the policy of Congress: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That, unless specifically provided by law, no moneys from funds appropriated for any purpose shall be used for the purpose of lodging, feeding, conveying, or furnishing transportation to, any conventions or other form of assemblage or gathering to be held in the District of Columbia or elsewhere. This section shall not be construed to prohibit the payment of expenses of any officer or employee of the Government in the discharge of his official duties.

The President is hereby requested to send a copy of this resolution to the heads of all Government departments and agencies which have been granted lump-sum appropriations. (Feb. 2, 1935, Public Res. 2, 74th Cong.)

**1742. Same; 4-H Boys and Girls Clubs excepted.**—That nothing contained in the Act of February 2, 1935 (Public Resolution Numbered 2, Seventy-fourth Congress), shall be construed to prohibit the Secretary of Agriculture from paying the necessary expenses for assemblages of the 4-H Boys and Girls Clubs, called by the Secretary of Agriculture in the District of Columbia or elsewhere, in the furtherance of the cooperative extension work of the Department. (June 17, 1935, Public Res. 32, 74th Cong.)

**1743. Appropriations for public buildings available until completion of work.**—That all moneys heretofore appropriated for the construction of public buildings and now remaining to the credit of the same on the books of the Treasury Department, or which may hereafter be appropriated for such buildings, shall remain available until the completion of the work for which they are, or may be, appropriated; and upon the final completion of each or any of said buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining shall be immediately covered into the Treasury. (June 23, 1874, sec. 1, 18 Stat. 275; 31 U. S. C., sec. 682.)

**1744. Purchase or manufacture of stores or materials or performance of services by bureau or department for another.**—(a) Any executive department or independent establishment of the Government, or any bureau or office thereof, if funds are available therefor and if it is determined by the head of such executive department, establishment, bureau, or office to be in the interest of the Government so to do, may place orders with any other such department, establishment, bureau, or office for materials, supplies, equipment, work, or services, of any kind that such requisitioned Federal agency may be in a position to supply or equipped to render, and shall pay promptly by check to such Federal agency as may be requisitioned, upon its written request, either in advance or upon the furnishing or performance thereof, all or part of the estimated or actual cost thereof as determined by such department, establishment, bureau, or office as may be requisitioned; but proper adjustments on the basis of the actual cost of the material, supplies, or equipment furnished, or work or services performed, paid for in advance, shall be made as may be agreed upon by the departments, establishments, bureaus, or offices

concerned: *Provided, however,* That if such work or services can be as conveniently or more cheaply performed by private agencies such work shall be let by competitive bids to such private agencies. Bills rendered, or requests for advance payments made, pursuant to any such order, shall not be subject to audit or certification in advance of payment.

(b) Amounts paid as provided in subsection (a) shall be credited, (1) in the case of advance payments, to special working funds, or (2) in the case of payments other than advance payments, to the appropriations or funds against which charges have been made pursuant to any such order, except as hereinafter provided. The Secretary of the Treasury shall establish such special working funds as may be necessary to carry out the provisions of this subsection. Such amounts paid shall be available for expenditure in furnishing the materials, supplies, or equipment, or in performing the work or services, or for the objects specified in such appropriations or funds. Where materials, supplies, or equipment are furnished from stocks on hand, the amounts received in payment therefor shall be credited to appropriations or funds, as may be authorized by other law, or, if not so authorized, so as to be available to replace the materials, supplies, or equipment, except that where the head of any such department, establishment, bureau, or office determines that such replacement is not necessary the amounts paid shall be covered into the Treasury as miscellaneous receipts.

(c) Orders placed as provided in subsection (a) shall be considered as obligations upon appropriations in the same manner as orders or contracts placed with private contractors. Advance payments credited to a special working fund shall remain available until expended. (Mar. 4, 1915, sec. 1, 38 Stat. 1084; May 21, 1920, sec. 7, 41 Stat. 613; June 30, 1932, sec. 601, 47 Stat. 417; 31 U. S. C., sec. 686.)

**1745. Former act effective as to funds transferred prior to amendment; convict labor; new provisions as additions.—**(a) Notwithstanding the provisions of this title, such section 7 [31 U. S. C., sec. 686], as in force prior to the date of the enactment of this Act, shall remain in force with respect to the disposition of funds transferred thereunder prior to such date.

(b) Nothing in this title shall be construed to authorize any Government department or independent establishment, or any bureau or office thereof, to place any orders for material, supplies, equipment, work, or services to be furnished or performed by convict labor, except as otherwise provided by existing law.

(c) The provisions of this title are in addition to and not in substitution for the provisions of any other law relating to working funds. (June 30, 1932, sec. 602, 47 Stat. 418; 31 U. S. C., sec. 686b.)

**1746. Balances of appropriations; expenditure.—**All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations

known as permanent or indefinite appropriations. (R. S., sec. 3690; 31 U. S. C., sec. 712.)

1747. Balances of appropriations; carried to surplus funds.—That from and after the first day of July, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations, appropriations for rivers, harbors, lighthouses, or public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress. (June 20, 1874, sec. 5, 18 Stat. 110; July 26, 1886, sec. 2, 24 Stat. 157; Mar. 3, 1919, sec. 6, 40 Stat. 1309; 31 U. S. C., sec. 713.)

1748. Balances of appropriations; reports to Congress as to claims.—It shall be the duty of the General Accounting Office to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section [31 U. S. C., sec. 713] that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize the reexamination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law. (June 14, 1878, sec. 4, 20 Stat. 115; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 714.)

1749. Disposal of balances after 2 years.—All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the General Accounting Office, the proper officer of which shall examine the books of such office and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in such office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper Department shall have certified that it may be carried into the general Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which a longer duration is given by law, shall be thus treated. (R. S., sec. 3691; June 10, 1921, sec. 304, 42 Stat. 24; 31 U. S. C., sec. 715.)

1750. Reappropriation to another purpose construed as new appropriation.—That the reappropriation and diversion of the unexpended balance of any appropriation to a purpose other than that for which it was originally made shall be construed and accounted hereafter as a new appropriation and the unexpended balance shall be reduced by the sum proposed to be so diverted. (Mar. 4, 1915, sec. 4, 38 Stat. 1161; 31 U. S. C., sec. 717.)

1751. Appropriations in annual appropriation acts not permanent.—No specific or indefinite appropriation made hereafter in any regular

annual appropriation Act shall be construed to be permanent or available continuously without reference to a fiscal year unless it belongs to one of the following four classes: "Rivers and harbors", "lighthouses", "public buildings", and "pay of the Navy and Marine Corps", last specifically named in and excepted from the operation of the provisions of the so-called "covering-in Act" approved June twentieth, eighteen hundred and seventy-four [31 U. S. C., sec. 713], or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation Act in which it is contained makes provision. (Aug. 24, 1912, sec. 7, 37 Stat. 487; Mar. 3, 1919, 40 Stat. 1309; 31 U. S. C., sec. 718.)

#### PERMANENT APPROPRIATION REPEAL ACT

**1752.** Repeal of permanent appropriations: Meat inspection; National Forest Reservation Commission.—(a) Effective July 1, 1935, the permanent appropriations under the appropriation titles listed in subsection (b) of this section are repealed, and such portions of any Acts as make permanent appropriations to be expended under such accounts are amended so as to authorize, in lieu thereof, annual appropriations from the general fund of the Treasury in identical terms and in such amounts as now provided by the laws providing such permanent appropriations, except that any appropriation for "Adjusted losses and contingencies, postal fund", is authorized to be made from the postal revenues. Any unobligated balances remaining in the permanent appropriations under these accounts on June 30, 1935, shall be covered into the surplus fund of the Treasury: *Provided*, That in addition to amounts in lieu of the permanent appropriation "Meat Inspection, Bureau of Animal Industry (fiscal year)" there is authorized to be appropriated such other sums as may be necessary in the enforcement of the meat inspection laws (U. S. C., title 21, secs. 71 to 96, inclusive).

\* \* \* \* \*

(b) (3) Meat inspection, Bureau of Animal Industry (fiscal year) (3-114).

(4) National Forest Reservation Commission (fiscal year) (3-494). (June 26, 1934, sec. 2, 48 Stat. 1225; 31 U. S. C., sec. 725a.)

**1753.** Receipts from account entitled "Migratory bird conservation fund" deposited into Treasury as miscellaneous receipts.—(a) Effective July 1, 1935, all receipts of the character theretofore credited to the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section shall be deposited into the Treasury as miscellaneous receipts, and amounts equal thereto are authorized to be appropriated annually from the general fund of the Treasury for the same purposes for which such receipts are now appropriated. Appropriations to which expenditures under such accounts have been chargeable theretofore are hereby repealed, effective on such date: *Provided*, That if the total of receipts for any one fiscal year for any of the foregoing purposes under this authority is greater than the amounts appropriated for such purpose, such excess is authorized to be appropriated for the following fiscal year.

\* \* \* \* \*

(b) (29) After June 30, 1936, migratory bird conservation fund (3s362). (June 26, 1934, sec. 4, 48 Stat. 1227; 31 U. S. C., sec. 725c.)

1754. Accounts entitled "Expenses, Cotton Standards Act", and "Classification of Cotton, revolving fund", abolished.—(a) Effective July 1, 1935, the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section are abolished, and any unobligated balances under such accounts as of that date shall be covered into the surplus fund of the Treasury. Any appropriations to which expenditures under such accounts have been chargeable theretofore are hereby repealed, effective on such date. To the extent that the annual appropriations, which are hereby authorized to be made from the general fund of the Treasury for the same purposes for which expenditures are now made from said accounts, are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary, to the extent that the amounts of such receipts are in excess of the amounts appropriated.

(b) (1) Expenses, Cotton Standards Act (3s535).

(2) Classification of cotton, revolving fund (3s320). (June 26, 1934, sec. 5, 48 Stat. 1228, 31 U. S. C., sec. 725d.)

1755. Appropriation account entitled "Refunding moneys erroneously received and covered (Agriculture)", and "Refund to depositors, excess of deposits, national forest fund" abolished.—Effective July 1, 1935, the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section, as well as appropriation accounts bearing similar titles on the books of the Government, are abolished, and any unobligated balances under such accounts as of June 30, 1935, shall be covered into the surplus fund of the Treasury. Any appropriations, to which expenditures under such accounts have been chargeable theretofore, are repealed. On July 1, 1935, there shall be established on the books of the Government an account to be designated "Refund of Moneys Erroneously Received and Covered", and there is authorized to be appropriated such sums as may be necessary to meet any expenditures of the character now chargeable to the appropriation accounts herein abolished and other collections erroneously received and covered which are not properly chargeable to any other appropriation. The Secretary of the Treasury shall submit with his annual estimates of appropriations an amount necessary to meet expenditures properly chargeable to this account: *Provided*, That this authority shall not be deemed to apply to any refunds which, under existing law, may be charged to any accounts for which separate provision is made in this Act.

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(b) (9) Refunding moneys erroneously received and covered (Agriculture) (3x010).

\* \* \* \* \*

(18) Refund to depositors, excess of deposits, national-forests fund (3x208). (June 26, 1934, sec. 18, 48 Stat. 1231; 31 U. S. C., sec. 725q.)

1756. Classification of funds for "Cooperative work, Forest Service", as trust funds.—(a) The funds appearing on the books of the Government and listed in subsections (b) and (c) of this section shall be

classified on the books of the Treasury as trust funds. All moneys accruing to these funds are hereby appropriated, and shall be disbursed in compliance with the terms of the trust. Hereafter moneys received by the Government as trustee analogous to the funds named in subsections (b) and (c) of this section, not otherwise herein provided for, except moneys received by the Comptroller of the Currency or the Federal Deposit Insurance Corporation, shall likewise be deposited into the Treasury as trust funds with appropriate title, and all amounts credited to such trust-fund accounts are hereby appropriated and shall be disbursed in compliance with the terms of the trust: \* \* \* *Provided further*, That on June 30 of each year there shall be transferred to the trust fund receipt account directed to be established in section 17 of this Act [31 U. S. C., sec. 725p] such portion of the balances in any trust-fund account herein-before or hereafter listed or established, except the balances in the accounts listed in subsection (c) of this section, which have been in any such fund for more than one year and represent moneys belonging to individuals whose whereabouts are unknown, and subsequent claims therefor shall be disbursed from the trust fund receipt account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown", directed to be established in section 17 of this Act.

(13) Cooperative work, Forest Service (3c209). (June 26, 1934, sec. 20, 48 Stat. 1233; 31 U. S. C., sec. 725s.)

**1757. Checks payable only until close of following fiscal year; amounts not presented deposited to credit of "Outstanding Liabilities."**—Hereafter all checks drawn on the Treasurer of the United States, except those issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be payable only until the close of the fiscal year next following the fiscal year in which such checks were issued, and the amounts of all such checks properly due and payable which have not been presented for payment within such period shall be deposited into the Treasury to the credit of a trust fund account entitled "Outstanding Liabilities (fiscal year)", designated by fiscal years in which the checks were issued. The balances in the outstanding liabilities account now carried on the books of the Government representing the amounts of unclaimed checks, shall be transferred to the account "Outstanding Liabilities, 1934", and any balances remaining therein, or in any succeeding fiscal year account, unclaimed for two fiscal years after the deposit therein shall be covered into the surplus fund of the Treasury: *Provided*, That the balances to the credit of the outstanding liabilities account of any fiscal year which has not been covered into the surplus fund of the Treasury shall be available to pay claims on account of any check, the amount of which has been included in any balance so covered into the surplus fund. (June 26, 1934, sec. 21, 48 Stat. 1235; 31 U. S. C., sec. 725t.)

**1758. Survey by Comptroller General of inactive accounts.**—The Comptroller General of the United States shall cause a survey to be made of all inactive and permanent appropriations and/or funds on the books of the Government and also funds in the official custody of officers and employees of the United States, in which the Government is financially concerned, for which no accounting is rendered to the General Accounting Office; and he shall submit to the Con-

gress annually, in a special report, his recommendations for such changes in existing law relating thereto as, in his judgment, may be in the public interest. (June 26, 1934, sec. 24, 48 Stat. 1236; 31 U. S. C., sec. 725w.)

**1759. Act not to affect existing authorizations for appropriation.**—The provisions of this Act shall not be construed to alter or amend any existing authorization for an appropriation. (June 26, 1934, sec. 25, 48 Stat. 1236; 31 U. S. C., sec. 725x.)

**1760. Inconsistent laws repealed.**—All Acts and/or parts of Acts inconsistent or in conflict with the provisions of this Act are hereby repealed to the extent of such inconsistency or conflict. (June 26, 1934, sec. 26, 48 Stat. 1236; 31 U. S. C., sec. 725y.)

**1761. Short title.**—The short title of this Act shall be the "Permanent Appropriation Repeal Act, 1934." (June 26, 1934, sec. 27, 48 Stat. 1236; 31 U. S. C., sec. 725z.)

#### NATIONAL GUARD

**1762. Exemptions from militia duty.**—The Vice President of the United States; the officers, judicial and executive, of the Government of the United States and of the several States and Territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age. (June 3, 1916, sec. 59, 39 Stat. 197; 32 U. S. C., sec. 3.)

**1763. Government employees in National Guard; leave of absence for training period.**—All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this Act. (June 3, 1916, sec. 80, 39 Stat. 203; 32 U. S. C., sec. 75.)

**1764. Same.**—All officers and employees of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days of any parade or encampment ordered or authorized under the provisions of this Act. This section shall be construed as covering all days of service which the National Guard, or any portion thereof, may be ordered to perform by the commanding general. (Mar. 1, 1889, 25 Stat. 779, sec. 49; July 1, 1902, 32 Stat. 615; Feb. 18, 1909, 35 Stat. 634; 20 Dist. of Col. Code, sec. 1493.)

#### NAVIGATION AND NAVIGABLE WATERS

##### BUREAU OF LIGHTHOUSES AND LIGHHOUSE SERVICE

**1765. Appropriations for Lighthouse Service available for cooperation with Forest Service.**—That hereafter the annual appropriations for the Lighthouse Service shall be available for defraying the expenses of

cooperation between the Lighthouse Service and the Forest Service in the management of forest land on lighthouse reservations. (Mar. 3, 1915, sec. 6, 38 Stat. 928; 33 U. S. C., sec. 756.)

## NAVY

### NAVAL PROPERTY, STORES, SUPPLIES, AND CONTRACTS

**1766.** Transfer of land selected for naval radio stations from other departments, etc., to Navy Department.—That such land of the United States under the control of a particular department or other branch of the Government that has been or may hereafter be mutually selected as a site for a naval radio station may, by direction of the President, be transferred to and placed under the control and jurisdiction of the Navy Department for use as a naval radio station or other naval purposes. (Aug. 29, 1916, 39 Stat. 606; 34 U. S. C., sec. 523.)

### RESERVE FORCES AND NAVAL MILITIA

**1767.** Naval Reserve; leave of absence of United States employees for training duty.—That all officers and employees of the United States or of the District of Columbia, who are members of the Naval Reserve, shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they are employed, under orders, on training duty for periods not to exceed fifteen days in any one calendar year. (Feb. 28, 1925, sec. 36, 43 Stat. 1089; 34 U. S. C., sec. 768.)

## PATENTS

**1768.** Inventions patentable.—Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, or who has invented or discovered and asexually reproduced any distinct and new variety of plant, other than a tuber-propagated plant, not known or used by others in this country before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceeding had, obtain a patent therefor. (R. S., sec. 4886; May 23, 1930, sec. 1, 46 Stat. 376; 35 U. S. C., sec. 31.)

**1769.** Plants.—Notwithstanding the foregoing provisions of this Act [35 U. S. C., sec. 31], no variety of plant which has been introduced to the public prior to the approval of this Act shall be subject to patent. (May 23, 1930, sec. 5, 46 Stat. 376; 35 U. S. C., sec. 32a.)

**1770.** Separability.—If any provision of this Act [35 U. S. C., secs. 31, 32a, 33, 35, 40, 56a] is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the application thereof to other persons or circumstances shall not be affected thereby. (May 23, 1930, sec. 6, 46 Stat. 376; 35 U. S. C., sec. 32b.)

**1771.** Application for patent; description; specification and claim.—Before any inventor or discoverer shall receive a patent for his invention or discovery he shall make application therefor, in writing, to the Commissioner of Patents, and shall file in the Patent Office a written description of the same, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in the case of a machine, he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery. The specification and claim shall be signed by the inventor. No plant patent shall be declared invalid on the ground of noncompliance with this section if the description is made as complete as is reasonably possible. (R. S., sec. 4888; Mar. 3, 1915, sec. 1, 38 Stat. 958; May 23, 1930, sec. 2, 46 Stat. 376; 35 U. S. C., sec. 33.)

**1772.** Same; drawings, specimen of ingredients or models to accompany.—When the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact, which shall be filed in the Patent Office; and a copy of the drawing to be furnished by the Patent Office, shall be attached to the patent as a part of the specification. When the invention or discovery is of a composition of matter, the applicant, if required by the commissioner, shall furnish specimens of ingredients and of the composition, sufficient in quantity for the purpose of experiment. In all cases which admit of representation by model, the applicant, if required by the commissioner, shall furnish a model of convenient size to exhibit advantageously the several parts of his invention or discovery. (R. S., secs. 4889 to 4891; Mar. 3, 1915, sec. 2, 38 Stat. 959; 35 U. S. C., sec. 34.)

**1773.** Same; oath of applicant.—The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement, or of the variety of plant, for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States. (R. S., sec. 4892; Mar. 3, 1903, sec. 2, 32 Stat. 1226; May 23, 1930, sec. 3, 46 Stat. 376; 35 U. S. C., sec. 35.)

**1774.** Patent; contents and duration.—Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of seventeen years, of the exclusive

right to make, use, and vend the invention or discovery (including in the case of a plant patent the exclusive right to asexually reproduce the plant) throughout the United States and the Territories thereof, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof. (R. S., sec. 4884; July 8, 1870, 16 Stat. 201; May 23, 1930, sec. 1, 46 Stat. 376; 35 U. S. C., sec. 40.)

**1775. Representation of heads of departments requesting expedition of patents.**—That in every case where the head of any Department of the Government shall request the Commissioner of Patents to expedite the consideration of an application for a patent it shall be the duty of such head of a Department to be represented before the Commissioner in order to prevent the improper issue of a patent. (Mar. 3, 1897, sec. 7, 29 Stat. 694; 35 U. S. C., sec. 43.)

**1776. Patents; issue to Government officers for inventions used in public service.**—The Commissioner of Patents is authorized to grant, subject to existing law, to any officer, enlisted man, or employee of the Government, except officers and employees of the Patent Office, a patent for any invention of the classes mentioned in section 4886 [35 U. S. C., sec. 31] of the Revised Statutes, without the payment of any fee when the head of the department or independent bureau certifies such invention is used or liable to be used in the public interest: *Provided*, That the applicant in his application shall state that the invention described therein, if patented, may be manufactured and used by or for the Government for governmental purposes without the payment to him of any royalty thereon, which stipulation shall be included in the patent. (Mar. 3, 1883, 22 Stat. 625; Apr. 30, 1928, 45 Stat. 467; 35 U. S. C., sec. 45.)

**1777. Secretary of Agriculture when required to furnish information, and detail employees to Commissioner of Patents.**—The President may by Executive order direct the Secretary of Agriculture (1) to furnish the Commissioner of Patents such available information of the Department of Agriculture, or (2) to conduct through the appropriate bureau or division of the department such research upon special problems, or (3) to detail to the Commissioner of Patents such officers and employees of the department, as the commissioner may request for the purposes of carrying this Act [35 U. S. C., secs. 31, 32a, 33, 35, 40] into effect. (May 23, 1930, sec. 4, 46 Stat. 376; 35 U. S. C., sec. 56a.)

**1778. Suit for unlicensed use of invention by United States.**—That whenever an invention described in and covered by a patent of the United States shall hereafter be used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, such owner's remedy shall be by suit against the United States in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture: *Provided, however*, That said Court of Claims shall not entertain a suit or award compensation under the provisions of this Act where the claim for compensation is based on the use or manufacture by or for the United States of any article heretofore owned, leased, used by, or in the possession of the United States: *Provided further*, That in any such suit the United States may avail itself of any and all defenses, general or special, that might be pleaded by a defendant in an action for infringement, as set forth in Title Sixty of the

Revised Statutes, or otherwise: *And provided further*, That the benefits of this Act shall not inure to any patentee who, when he makes such claim, is in the employment or service of the Government of the United States, or the assignee of any such patentee; or shall this Act apply to any device discovered or invented by such employee during the time of his employment or service. (June 25, 1910, 36 Stat. 851; July 1, 1918, 40 Stat. 705; 35 U. S. C., sec. 68.)

#### PATRIOTIC SOCIETIES AND OBSERVANCES

**1779. Display of flag on Government buildings on second Sunday in May.**—Whereas the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration; and

Whereas we honor ourselves and the mothers of America when we do anything to give emphasis to the home as the fountain head of the State; and

Whereas the American mother is doing so much for the home, the moral uplift and religion, hence so much for good government and humanity: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag at their homes or other suitable places, on the second Sunday in May, as a public expression of our love and reverence for the mothers of our country. (May 8, 1914, sec. 1, 38 Stat. 770; 36 U. S. C., sec. 141.)

**1780. Second Sunday in May designated Mother's Day.**—That the second Sunday in May shall hereafter be designated and known as Mother's Day, and it shall be the duty of the President to request its observance as provided for in this resolution. (May 8, 1914, sec. 2, 38 Stat. 771; 36 U. S. C., sec. 142.)

**1781. National anthem; Star-Spangled Banner.**—That the composition consisting of the words and music known as The Star-Spangled Banner is designated the national anthem of the United States of America. (Mar. 3, 1931, 46 Stat. 1508, 36 U. S. C., sec. 144.)

#### THE POSTAL SERVICE

##### FRANKING PRIVILEGE

**1782. Matter relating to official business; official envelopes.**—That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States; official mail matter of all officers of the United States Government, \* \* \* the envelopes of such matter in all cases to bear appropriate endorsement containing the proper designation of the office from which, or officer from whom, the same is transmitted with the statement of the penalty for their misuse: *Provided*, That every such letter or package to entitle it to pass free shall bear over the words "Official business" an endorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or

office, as the case may be, whence transmitted. (Mar. 3, 1877, sec. 5, 19 Stat. 335, Mar. 3, 1879, 20 Stat. 362; 39 U. S. C., sec. 321.)

1783. Same; indorsement of penalty.—That for the purpose of carrying this act into effect, it shall be the duty of each of the Executive Departments of the United States to provide for itself and its subordinate offices the necessary envelopes; and in addition to the indorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon. (Mar. 3, 1877, sec. 6, 19 Stat. 336; 39 U. S. C., sec. 321.)

1784. Same; registry; part-paid letters; limitation of act.—That any Department or officer authorized to use the penalty envelopes may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information, and indorsements relating thereto, and any part-paid letter or packet addressed to either of said Departments or Bureaus may be delivered free; but where there is good reason to believe the omission to prepay the full postage thereon was intentional, such letter or package shall be returned to the sender: *Provided*, That this act shall not extend or apply to officers who receive a fixed allowance as compensation for their services, including expenses of postages: *Provided further*, That any official domestic letter or parcel to be registered by any executive department or bureau thereof, or independent Government institution, located at Washington, District of Columbia, or by the Public Printer, which requires registration may be registered without the payment of any registry fee. (Mar. 3, 1879, 20 Stat. 362; July 5, 1884, sec. 3, 23 Stat. 158; May 1, 1928, sec. 2, 45 Stat. 469; 39 U. S. C., secs. 321, 321a.)

1785. Penalty envelopes for answer enclosed.—It shall be the duty of the respective departments to inclose to Senators, Representatives and Delegates in Congress, in all official communications requiring answers, or to be forwarded to others, penalty envelopes addressed as far as practicable, for forwarding or answering such official correspondence. (Mar. 3, 1883, sec. 2, 22 Stat. 563; 39 U. S. C., sec. 322.)

1786. Seeds and reports from Department of Agriculture.—That seeds transmitted by the Secretary of Agriculture, or by any member of Congress or delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-members of Congress and ex-delegates for the period of nine months after the expiration of their terms as members and delegates. (Mar. 3, 1875, sec. 7, 18 Stat. 343; Feb. 9, 1889, sec. 1, 25 Stat. 659; 39 U. S. C., sec. 329.)

1787. Franking privilege for agricultural extension work between colleges and Department.—That all correspondence, bulletins, and reports for the furtherance of the purposes of the Act approved May eighth, nineteen hundred and fourteen, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an

Act of Congress approved July second, eighteen hundred and sixty-two, and the Acts supplementary thereto, and the United States Department of Agriculture" [7 U. S. C., secs. 341-348], may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General, from time to time, may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General. (June 30, 1914, 38 Stat. 438; 39 U. S. C., sec. 330.)

**1788.** Franking privilege extended to Hawaiian Islands.—The franking privilege, as the same is regulated by law, shall extend to the Hawaiian Islands. (Mar. 1, 1899, sec. 4, 30 Stat. 966; 39 U. S. C., sec. 332.)

**1789.** Matter admitted under penalty privilege restricted.—That hereafter no article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps would be entitled to admission to the mails under laws requiring payment of postage. (June 26, 1906, 34 Stat. 477; 39 U. S. C., sec. 333.)

**1790.** Overweight matter.—That no article or package exceeding four pounds in weight shall be admitted to the mails under the penalty privilege unless it comes within the exceptions named in the Acts of June eighth, eighteen hundred and ninety-six (chapter three hundred and seventy, Twenty-ninth Statutes, page two hundred and sixty-two) [single books weighing in excess of that amount, and books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the Departments of the Government], and June twenty-sixth, nineteen hundred and six (chapter thirty-five hundred and forty-six, Thirty-fourth Statutes, page four hundred and seventy-seven [postage stamps, stamped envelopes, newspaper wrappers, postal cards, internal-revenue stamps]. (May 18, 1916, sec. 11, 39 Stat. 162; 39 U. S. C., sec. 334.)

**1791.** Lending or permitting use of frank unlawful.—That hereafter it shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. (June 26, 1906, 34 Stat. 477; 39 U. S. C., sec. 335.)

#### ENVELOPES

**1792.** Contracts for envelopes by Postmaster General.—The Postmaster General shall contract, for a period not exceeding four years, for all envelopes, stamped or otherwise, designed for sale to the public, or for use by the Post-Office Department, the postal service, and other Executive Departments, and all Government bureaus and establishments, and the branches of the service coming under their jurisdiction, and may contract for them to be plain or with such printed matter as may be prescribed by the Department making

requisition therefor: *Provided*, That no envelope shall be sold by the Government containing any lithographing or engraving, nor any printing nor advertisement, except a printed request to return the letter to the writer. (June 26, 1906, 34 Stat. 476; 39 U. S. C., secs. 354, 355.)

### PUBLIC BUILDINGS, PROPERTY, AND WORKS

#### PUBLIC BUILDINGS, GROUNDS, PARKS, AND WHARVES IN DISTRICT OF COLUMBIA

**1793.** Public buildings; control of space.—The National Park Service shall have the absolute control of and the allotment of all space in the several public buildings owned or buildings leased by the United States in the District of Columbia, with the exception of the Executive Mansion and office of the President, Capitol Building, the Senate and House Office Buildings, the Capitol power plant, the buildings under the jurisdiction of the Regents of the Smithsonian Institution, and the Congressional Library Building, and shall from time to time assign and allot, for the use of the several activities of the Government, all such space. (Mar. 1, 1919, sec. 10, 40 Stat. 1269; Feb. 26, 1925, sec. 3, 43 Stat. 983; Ex. Or. 6166, sec. 2, June 10, 1933; Mar. 2, 1934, 48 Stat. 389; 40 U. S. C., sec. 1.)

**1794.** Central heating and power plant.—The Secretary of the Treasury is authorized and directed to have constructed, under the direction of the Supervising Architect of the Treasury, upon the land and wharf property of the United States hereinafter described, a central heating, lighting, and power plant, to furnish heat, light, and power for the buildings, old and new, of the \* \* \* the buildings of the Department of Agriculture. (June 23, 1913, 38 Stat. 25; 40 U. S. C., sec. 22.)

**1795.** Maximum rate for gas.—That hereafter no part of any money appropriated by this or any other Act shall be used for the payment to the Washington Gas Light Company or the Georgetown Gas Light Company for any gas furnished by said companies for use in any of the public buildings of the United States or the District of Columbia at a rate in excess of 70 cents per one thousand cubic feet. (Sept. 1, 1916, sec. 6, 39 Stat. 716, 40 U. S. C., sec. 23.)

**1796.** Lighting lamps in public grounds.—Hereafter no greater sum shall be paid any company for lighting any gas or electric lamp in the public grounds, or for installing or moving the same, than is paid by the District of Columbia for similar services, and no contract shall be required to be entered into for lighting the public grounds. (Mar. 4, 1911, sec. 1, 36 Stat. 1404; 40 U. S. C., sec. 24.)

**1797.** Report of consumption of gas.—That the superintendent of meters at the Capitol shall hereafter take the statement of the meters of the several Department buildings in the city of Washington and render to the General Accounting Office the consumption of gas each month in said buildings respectively. (July 31, 1876, 19 Stat. 115; June 10, 1921, secs. 301, 304, 42 Stat. 23, 24; 40 U. S. C., sec. 27.)

**1798.** Telegraph connecting public buildings; supervision.—That the lines of telegraph, connecting the Capitol with the various Departments in Washington, constructed under and by virtue of the act of Congress approved March third, eighteen hundred and seventy-three, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth,

eighteen hundred and seventy-four, and for other purposes ", be, and the same are hereby, placed under the supervision of the officer in charge of the public buildings and grounds; and that the said officer be authorized and empowered to make rules and regulations for the working of said lines. And the Secretary or Head of each Executive Department, and the Public Printer, are hereby authorized to detail one person from their present force of employees to operate the instruments in said Departments and printing office, and each House of Congress may provide for the employment of an operator in their respective wings of the Capitol, at a compensation not exceeding one hundred dollars per month, during the sessions of Congress. (Feb. 4, 1874, 18 Stat. 14; 40 U. S. C., sec. 28.)

1799. Same; use of lines.—That said lines of telegraph shall be for the use only of Senators, Members of Congress, Judges of the United States courts, and officers of Congress and of the Executive Departments, and solely on public business. (Mar. 7, 1874, 18 Stat. 20; 40 U. S. C., sec. 29.)

1800. Telegraph connecting public buildings; sale of material or lines.—The Director of the National Park Service is hereby authorized to sell any condemned material or lines not needed by the departments, and cover the proceeds in the Treasury. (Mar. 3, 1879, sec. 1, 20 Stat. 388; Feb. 26, 1925, sec. 3, 43 Stat. 983; Mar. 2, 1934, 48 Stat. 389; 40 U. S. C., sec. 30.)

1801. Use of public buildings for public ceremonies.—That hereafter no public building, or the approaches thereto, other than the Capitol building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of the President of the United States, or other public function, except as may hereafter be expressly authorized by law. (Apr. 28, 1902, 32 Stat. 152; 40 U. S. C., sec. 31.)

1802. Restriction on expenditures for production of electricity.—No appropriation heretofore or hereafter made for the construction or equipment of any executive or municipal building in the District of Columbia shall be expended for the production of electricity for light or power, unless, in the judgment of the Secretary of the Treasury, such necessary electric current for light and power cannot be obtained at a less cost. (Mar. 4, 1907, sec. 9, 34 Stat. 1371; 40 U. S. C., sec. 33.)

1803. Rent of buildings in District of Columbia; contracts not to be made until appropriation.—Hereafter no contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessors of any such building or any part of building. (Mar. 3, 1877, 19 Stat. 370; 40 U. S. C., sec. 34.)

1804. Same; rent of other buildings.—Where buildings are rented for public use in the District of Columbia, the executive departments are authorized, whenever it shall be advantageous to the public interest, to rent others in their stead: *Provided*, That no increase in the number of buildings now in use, nor in the amounts paid for rents, shall result therefrom. (Aug. 5, 1882, sec. 1, 22 Stat. 241; 40 U. S. C., sec. 35.)

**1805. Lease of storage accommodations by heads of departments.**—The heads of the several executive departments are authorized to enter into contracts for the lease, for periods of not exceeding six years, of modern fireproof storage accommodations within the District of Columbia for their respective departments, at rates per square foot of available floor space not exceeding 25 cents, payable from appropriations that Congress may from time to time make for rent of buildings for their respective departments. (Mar. 2, 1913, 37 Stat. 718; 40 U. S. C., sec. 36.)

**1806. Lease of buildings to Government; maximum rental.**—Hereafter no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases heretofore made, except when renewals thereof are made hereafter, nor to leases of premises in foreign countries for the foreign services of the United States: *Provided further*, That the provisions of this section as applicable to rentals shall apply only where the rental to be paid shall exceed \$2,000 per annum. (June 30, 1932, sec. 322, 47 Stat. 412; Mar. 3, 1933, sec. 15, 47 Stat. 1517; 40 U. S. C., sec. 40a.)

**1807. Water in public buildings, when to be shut off.**—All officers in charge of public buildings in the District of Columbia shall cause the flow of water in the buildings under their charge to be shut off from five o'clock post meridian to eight o'clock ante meridian: *Provided*, That the water in said public buildings is not necessarily in use for public business. (Mar. 3, 1883, 22 Stat. 615; 40 U. S. C., sec. 59.)

**1808. Buildings on reservations, parks, or public grounds.**—Hereafter there shall not be erected on any reservation, park, or public grounds of the United States within the District of Columbia, any building or structure without express authority of Congress. (Aug. 24, 1912, sec. 1, 37 Stat. 444, 40 U. S. C., sec. 68.)

**1809. Use of Potomac Park by Department.**—That the Director of the National Park Service is authorized to grant permission to the Department of Agriculture for the temporary occupation of such area or areas of Potomac Park, not exceeding a total of seventy-five acres in extent, as may not be needed in any one season for the reclamation or park improvement, the said areas to be used by the Department of Agriculture as testing grounds: *Provided*, That nothing herein contained shall be construed to change the essential character of the lands so used, which lands shall continue to be a public park, as provided in the Act of Congress approved March third, eighteen hundred and ninety-seven: *And provided further*, That said area or areas shall be vacated by the Department of Agriculture at the close of any season upon the request of the Director of the National Park Service: *And provided further*, That the entire park shall remain under the charge of the Director of the National Park Service. (Mar. 3, 1899,

sec. 2, 30 Stat. 1378; Feb. 26, 1925, sec. 3, 43 Stat. 983; Mar. 2, 1934, 48 Stat. 389; 40 U. S. C., sec. 89.)

1810. Commission to acquire lands for connecting of Potomac Park with Zoological and Rock Creek Park.—That for the purpose of preventing the pollution and obstruction of Rock Creek and of connecting Potomac Park with the Zoological Park and Rock Creek Park, a commission, to be composed of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such land and premises as are not now the property of the United States in the District of Columbia shown on the map on file in the office of the Engineer Commissioner of the District of Columbia, dated May seventeenth, nineteen hundred and eleven, and lying on both sides of Rock Creek, including such portion of the creek bed as may be in private ownership, between the Zoological Park and Potomac Park. (Mar. 4, 1913, sec. 22, 37 Stat. 885; 40 U. S. C., sec. 92.)

1811. Laws of District extended to public buildings and grounds.—That the provisions of the several laws and regulations within the District of Columbia for the protection of public or private property and the preservation of peace and order be, and the same are hereby, extended to all public buildings and public grounds belonging to the United States within the District of Columbia. And any person guilty of disorderly and unlawful conduct in or about the same, or who shall willfully injure the buildings or shrubs, or shall pull down, impair, or otherwise injure any fence, wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge, or shall remove any stone, gravel, sand, or other property of the United States, or any other part of the public grounds or lots belonging to the United States in the District of Columbia shall, upon conviction thereof, be fined not more than fifty dollars. (July 29, 1892, sec. 15, 27 Stat. 325; 40 U. S. C., sec. 101.)

1812. Inspection of fuel in District of Columbia; inspectors.—It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person, to be appointed by the head of the Department or chief of the branch of the service for which the purchase is made from among the persons authorized to be employed in such Department or branch of the service. The person appointed under this section shall ascertain that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel. (R. S., sec. 3711, Mar. 2, 1895, sec. 6, 28 Stat. 808; Mar. 15, 1898, sec. 6, 30 Stat. 316; 40 U. S. C., sec. 109.)

1813. Appointments of fuel inspectors to be notified to accounting officer.—The General Accounting Office shall be furnished with a copy

of the appointment of each inspector, weigher, and measurer appointed under the preceding section. (R. S., sec. 3712; June 10, 1921, secs. 301, 304, 42 Stat. 23, 24; 40 U. S. C., sec. 109.)

**1814. Payment for fuel with inspector's certificate.**—It shall not be lawful for any accounting officer to pass or allow to the credit of any disbursing officer in the District of Columbia any money paid by him for purchase of anthracite or bituminous coal or for wood, unless the voucher therefor is accompanied by a certificate of the proper inspector, weigher, and measurer that the quantity paid for has been determined by such officer. (R. S., sec. 3713; 40 U. S. C., sec. 109.)

**1815. Government Fuel Yards.**—The Secretary of the Interior<sup>12</sup> is authorized and directed to establish in the District of Columbia storage and distributing yards for the storage of fuel for the use of and delivery to all branches of the Federal service and the municipal government in the District of Columbia and such parts thereof as may be situated immediately without the District of Columbia and economically can be supplied therefrom, and to select, purchase, contract for, and distribute all fuel required by the said services. Authority is granted the Secretary of the Interior, in connection with the establishment of the said yards, to procure by purchase, requisition for immediate use, condemnation, or lease for such period as may be necessary, land, wharves, and railroad trestles and sidings requisite therefor. All branches of the Federal service and the municipal government in the District of Columbia, from and after the establishment of the said fuel yards, shall purchase all fuel from the Secretary of the Interior and make payment therefor from applicable appropriations at the actual cost thereof to the United States, including all expenses connected therewith. (July 1, 1918, sec. 1, 40 Stat. 672; 40 U. S. C., sec. 110.)

**1816. Delivery of coal for use during ensuing fiscal year.**—Hereafter the Secretary of the Interior<sup>12</sup> is authorized to deliver, during the months of April, May, and June of each year, to all branches of the Federal service and the municipal government in the District of Columbia, such quantities of fuel for their use during the following fiscal year as it may be practical to store at the points of consumption, payment therefor to be made by these branches of the Federal service and municipal government from their applicable appropriations for such fiscal year. (June 5, 1920, sec. 1, 41 Stat. 913; 40 U. S. C., sec. 113.)

**1817. Use of fuel trucks to haul sand, etc.**—Hereafter the Secretary of the Interior<sup>12</sup> may have sand, gravel, stone, and other material hauled for the municipal government of the District of Columbia and for branches of the Federal service in the District of Columbia, whenever it may be practicable and economical to have such work performed by using trucks of the Government fuel yards not needed at the time for the hauling of fuel. Payment for such work shall be made on the basis of the actual cost to the Government fuel yards. (June 5, 1920, sec. 1, 41 Stat. 913; 40 U. S. C., sec. 119.)

<sup>12</sup> Executive Order No. 4239, June 4, 1925, transferred the Bureau of Mines from the Department of the Interior to the Department of Commerce, to be administered under the supervision of the Secretary of Commerce.

Executive Order No. 6166, section 1, June 10, 1933, provides: "The fuel yards of the Bureau of Mines of the Department of Commerce are transferred to the Procurement Office."

## NATIONAL ARCHIVES OF THE UNITED STATES GOVERNMENT

**1817a.** Archivist; power to inspect records; exception.—All archives or records belonging to the Government of the United States (legislative, executive, judicial, and other) shall be under the charge and superintendence of the Archivist to this extent: He shall have full power to inspect personally or by deputy the records of any agency of the United States Government whatsoever and wheresoever located, and shall have the full cooperation of any and all persons in charge of such records in such inspections, and to requisition for transfer to the National Archives Establishment such archives, or records as the National Archives Council, hereafter provided shall approve for such transfer, and he shall have authority to make regulations for the arrangement, custody, use, and withdrawal of material deposited in the National Archives Building: *Provided*, That any head of an executive department, independent office, or other agency of the Government may, for limited periods, not exceeding in duration his tenure of that office, exempt from examination and consultation by officials, private individuals, or any other persons such confidential matter transferred from his department or office, as he may deem wise. (June 19, 1934, sec. 3, 48 Stat. 1122; 40 U. S. C., sec. 233.)

**1817b.** National Archives Council, composition.—That there is hereby further created a National Archives Council composed of the Secretaries of each of the executive departments of the Government (or an alternate from each department to be named by the Secretary thereof), the Chairman of the Senate Committee on the Library, the Chairman of the House Committee on the Library, the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States. The said Council shall define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer; and shall have power to advise the Archivist in respect to regulations governing the disposition and use of the archives and records transferred to his custody. (June 19, 1934, sec. 6, 48 Stat. 1123; 40 U. S. C., sec. 236.)

## FEDERAL REGISTER ACT

**1817c.** Archivist charged with custody and printing of certain documents.—That the Archivist of the United States, acting through a division established by him in the National Archives Establishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5. There shall be at the head of the Division a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this Act and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed \$5,000 a year. (July 26, 1935, sec. 1, Public, 220, 74th Cong.)

**1817d.** Documents; filing, printing, availability for public inspection.—The original and two duplicate originals or certified copies of any document required or authorized to be published under sec-

tion 5 shall be filed with the Division, which shall be open for that purpose during all hours of the working days when the Archives Building shall be open for official business. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this Act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency. (July 26, 1935, sec. 2, Public, 220, 74th Cong.)

**1817e. Federal Register; printing and distribution; indexing.**—All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal Register." It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this Act and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the Act of May 11, 1922, and section 307 of the Act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto. (July 26, 1935, sec. 3, Public, 220, 74th Cong.)

**1817f. Definitions.**—As used in this Act, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau,

agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation. (July 26, 1935, sec. 4, Public, 220, 74th Cong.)

**1817g. Documents to be published in Federal Register.**—(a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress: *Provided*, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register. (July 26, 1935, sec. 5, Public 220, 74th Cong.)

**1817h. Administrative Committee; regulations.**—There is established a permanent Administrative Committee of three members consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this Act. Such regulations shall provide, among other things: (a) The manner of certification of copies required to be certified under section 2, which certification may be permitted to be based upon confirmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 5 (b) to be published in the Federal Register; (c) the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the number of copies of the Federal Register which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof. (July 26, 1935, sec. 6, Public 220, 74th Cong.)

**1817i. Knowledge of documents; presumptions arising from publication.**—No document required under section 5 (a) to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided

in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this Act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number. (July 26, 1935, sec. 7, Public, 220, 74th Cong.)

**1817j. Notice of hearing or opportunity to be heard.**—Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of the Congress; or (b) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable. (July 26, 1935, sec. 8, Public, 220, 74th Cong.)

**1817k. Federal Register; payments for; cost of printing, wrapping, binding, and distributing.**—Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this Act shall be borne by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer. The purposes for which appropriations are available and are authorized to be made under section 10 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this Act. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies. (July 26, 1935, sec. 9, Public, 220, 74th Cong.)

**18171. Effective dates.**—The provisions of section 2 shall become effective sixty days after the date of approval of this Act and the publication of the Federal Register shall begin within three business days thereafter: *Provided*, That the appropriations involved have been increased as required by section 9 of this Act. The limitations upon the effectiveness of documents required, under section 5 (a), to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this or subsequent Act of the Congress or by Executive order to be published in the Federal Register. (July 26, 1935, sec. 10, Public, 220, 74th Cong.)

**1817m. Compilation of documents required to be filed by Federal agencies with Administrative Committee.**—Within six months after the approval of this Act each agency shall prepare and file with the committee a complete compilation of all documents which have been issued or promulgated prior to the date documents are required or authorized by this Act to be published in the Federal Register and which are still in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities. The committee shall within sixty days thereafter report with respect thereto to the President, who shall determine which of such documents have general applicability and legal effect, and shall authorize the publication thereof in a special or supplemental edition or issue of the Federal Register. Such special or supplemental editions or issues shall be distributed in the same manner as regular editions or issues, and shall be included in the bound volumes of the Federal Register as supplements thereto. (July 26, 1935, sec. 11, Public, 220, 74th Cong.)

**1817n. Acts in conflict repealed.**—All Acts or parts of Acts in conflict with this Act are hereby repealed insofar as they conflict herewith. (July 26, 1935, sec. 13, Public, 220, 74th Cong.)

**1817o. Title of act.**—This Act may be cited as the "Federal Register Act." (July 26, 1935, sec. 14, Public, 220, 74th Cong.)

#### PUBLIC BUILDING AND WORKS GENERALLY

**1818. Building sites; selection.**—That in the selection of a site for any public building not yet commenced, reference shall be had to the interest and convenience of the public, as well as to the best interests of the Government; and the Secretary of the Treasury shall have power, and it shall be his duty, to set aside any selection which in his opinion has not been made solely with reference thereto. No expenditure shall be made upon any building, a site for which has been selected, and work upon which has not been commenced, until such of the persons who acted as commissioners in selecting such site shall make and file with the Secretary of the Treasury an oath or affirmation that he is not at the time of making the affidavit, and was not at the date of making the selection of such site, directly or indirectly interested in the property selected for the same, and a similar affidavit shall be made and filed by each and every person hereafter appointed as such commissioner, before any site shall be finally adopted. In either case a failure on the part of any commissioner to make and file such an affidavit shall render the selection void. (June 23, 1874, sec. 2, 18 Stat. 276; 40 U. S. C., sec. 254.)

**1819. Title to land to be purchased by United States.**—No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments, respectively: *Provided, however,* That in all cases of the acquisition of land or any interest therein by the United States for the purposes herein specified or for other purposes, wherein the written opinion of the Attorney General in favor of the validity of the title of such land is or may be required or authorized by law, the Attorney General may, in his discretion, base such opinion upon a certificate of title of a title company. (R. S., sec. 355; June 28, 1930, 46 Stat. 828; 40 U. S. C., sec. 255.)

**1820. Legal services by district attorneys; abstracts of title.**—That hereafter all legal services connected with the procurement of titles to site for public buildings, other than for life-saving stations and pier-head lights, shall be rendered by United States district attorneys: *Provided further,* That hereafter, in the procurement of sites for such public buildings, it shall be the duty of the Attorney General to require of the grantors in each case to furnish, free of all expenses to the Government, all requisite abstracts, official certifications, and evidences of title that the Attorney General may deem necessary. (Mar. 2, 1889, sec. 1. 25 Stat. 941: 40 U. S. C., sec. 256.)

**1821. Condemnation of sites: jurisdiction.**—That in every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses he shall be, and hereby is, authorized to acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so, and the United States district courts of the district wherein such real estate is located, shall have jurisdiction of proceedings for such condemnation, and it shall be the duty of the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this act [40 U. S. C., secs. 257, 258], or such other officer, to cause proceedings to be commenced for condemnation, within thirty days from the receipt of the application at the Department of Justice. (Aug. 1, 1888, sec. 1. 25 Stat. 357; Mar. 3, 1911, sec. 291. 36 Stat. 1167: 40 U. S. C., sec. 257.)

**1822. Same: procedure.**—The practice, pleadings, forms, and modes of proceedings in causes arising under the provisions of Act of

August 1, 1888 [40 U. S. C., sec. 257, 258], shall conform, as near as may be, to the practice, pleadings, forms and proceedings existing at the time in like causes in the courts of record of the State within which such district court is held, any rule of the court to the contrary notwithstanding. (Aug. 1, 1888, sec. 2, 25 Stat. 357; Mar. 3, 1911, sec. 291, 36 Stat. 1167; 40 U. S. C., sec. 258.)

**1823.** Same; lands, easements, or right-of-way for public use; taking of possession and title in advance of final judgment; authority; procedure.—That in any proceeding in any court of the United States outside of the District of Columbia which has been or may be instituted by and in the name of and under the authority of the United States for the acquisition of any land or easement or right of way in land for the public use, the petitioner may file in the cause, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the lands described in the petition, declaring that said lands are thereby taken for the use of the United States. Said declaration of taking shall contain or have annexed thereto—

(1) A statement of the authority under which and the public use for which said lands are taken.

(2) A description of the lands taken sufficient for the identification thereof.

(3) A statement of the estate or interest in said lands taken for said public use.

(4) A plan showing the lands taken.

(5) A statement of the sum of money estimated by said acquiring authority to be just compensation for the land taken.

Upon the filing said declaration of taking and of the deposit in the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in said declaration, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in said declaration, shall vest in the United States of America, and said lands shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation for the same shall vest in the persons entitled thereto; and said compensation shall be ascertained and awarded in said proceeding and established by judgment therein, and the said judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per centum per annum on the amount finally awarded as the value of the property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the court. No sum so paid into the court shall be charged with commissions or poundage.

Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded in respect of said lands, or any parcel thereof, shall exceed the amount of the money so received by any person entitled, the court shall enter judgment against the United States for the amount of the deficiency.

Upon the filing of a declaration of taking, the court shall have power to fix the time within which and the terms upon which the

parties in possession shall be required to surrender possession to the petitioner. The court shall have power to make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable. (Feb. 26, 1931, sec. 1, 46 Stat. 1421; 40 U. S. C., sec. 258a.)

**1824.** Same; appeal or giving of bond.—No appeal in any such cause nor any bond or undertaking given therein shall operate to prevent or delay the vesting of title to such lands in the United States. (Feb. 26, 1931, sec. 2, 46 Stat. 1422; 40 U. S. C., sec. 258b.)

**1825.** Same; obligation to pay ultimate award.—Action under this statute irrevocably committing the United States to the payment of the ultimate award shall not be taken unless the chief of the executive department or agency or bureau of the Government empowered to acquire land shall be of the opinion that the ultimate award probably will be within any limits prescribed by Congress on the price to be paid. (Feb. 26, 1931, sec. 3, 46 Stat. 1422; 40 U. S. C., sec. 258c.)

**1826.** Same; rights as additional to existing rights.—The right to take possession and title in advance of final judgment in condemnation proceedings as provided by this Act [40 U. S. C., secs. 258a-258e] shall be in addition to any right, power, or authority conferred by the laws of the United States or those of any State or Territory under which such proceedings may be conducted, and shall not be construed as abrogating, limiting, or modifying any such right, power, or authority. (Feb. 26, 1931, sec. 4, 46 Stat. 1422; 40 U. S. C., sec. 258d.)

**1827.** Same; demolition of buildings; erection of buildings.—In any case in which the United States has taken or may take possession of any real property during the course of condemnation proceedings and in advance of final judgment therein and the United States has become irrevocably committed to pay the amount ultimately to be awarded as compensation, it shall be lawful to expend moneys duly appropriated for that purpose in demolishing existing structures on said land and in erecting public buildings or public works thereon, notwithstanding the provisions of section 355 of the Revised Statutes of the United States [40 U. S. C., sec. 255]: *Provided*, That in the opinion of the Attorney General, the title has been vested in the United States or all persons having an interest therein have been made parties to such proceeding and will be bound by the final judgment therein. (Feb. 26, 1931, sec. 5, 46 Stat. 1422; 40 U. S. C., sec. 258e.)

**1828.** Payment for sites; limit of cost.—No money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor. (R. S., sec. 3734; June 25, 1910, sec. 33, 36 Stat. 699; 40 U. S. C., sec. 259.)

**1829.** Commissions on purchases of sites; payment for sites.—That hereafter commissions shall not be paid for disbursements on account of sites for public buildings; nor on account of construction of public buildings except for moneys actually handled and paid out by disbursing agents; and payments for sites for public buildings under the control of the Treasury Department shall be made by the Treasury Department, at Washington, District of Columbia, by drafts or checks payable to the grantors of such sites or their legal representatives. (Mar. 2, 1889, sec. 1, 25 Stat. 941; 40 U. S. C., sec. 260.)

**1830.** Contracts authorized within limit of cost fixed, although appropriations are in part only.—That hereafter in all cases where appropriations are made in part only for carrying into effect the provisions of legislation authorizing the acquisition of lands for sites or for the enlargement of sites for public buildings, or for the erection or remodeling, extension, alteration, and repairs of public buildings, the Secretary of the Treasury, unless otherwise specifically directed, be, and he is hereby, authorized and empowered to enter into contracts within the full limit of cost fixed by Congress therefor. (May 30, 1908, sec. 34, 35 Stat. 545; 40 U. S. C., sec. 261.)

**1831.** Plans by Treasury Department for buildings under other executive departments or establishments.—That hereafter the Secretary of the Treasury may, in his discretion, upon the request of the head of any other executive department, or establishment of the Government not under any executive department, cause the plans, drawings, designs, specifications, and estimates to be prepared in the office of the Supervising Architect, for any building or buildings for governmental purposes which the head of any other executive department or establishment not under any executive department may be authorized to have constructed: *Provided*, That the proper appropriations for the support and maintenance of the office of the Supervising Architect be reimbursed for the cost of such work. (June 25, 1910, sec. 35, 36 Stat. 699; 40 U. S. C., sec. 265.)

**1832.** Payment for sites; restrictions on buildings; sketch plans, changes; limit of cost.—And hereafter no money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor; and no money shall be expended upon any public building until after sketch plans showing the tentative design and arrangement of such building, together with outline description and detailed estimates of the cost thereof shall have been made by the Supervising Architect of the Treasury Department (except when otherwise authorized by law) and said sketch plans and estimates shall have been approved by the Secretary of the Treasury and the head of each executive department who will have officials located in such building; but such approval shall not prevent subsequent changes in the design, arrangement, materials, or methods of construction or cost which may be found necessary or advantageous: *Provided*, That no such changes shall be made involving an expense in excess of the limit of cost fixed or extended by Congress, and all appropriations made for the construction of such building shall be expended within the limit of cost so fixed or extended. (R. S., sec. 3734; June 25, 1910, sec. 33, 36 Stat. 699; 40 U. S. C., secs. 259, 267.)

**1833.** Plans not to be approved until selection of site.—That hereafter no plan shall be approved by the Secretary of the Treasury for any public building authorized by Congress to be erected, until after the site therefor shall have been finally selected; and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of such building, including heating apparatus, elevators, and approaches thereto, than the amount that shall remain of the sum specified in the law authorizing the erection of such building excluding cost of site. (Mar. 2, 1889, sec. 1, 25 Stat. 941; 40 U. S. C., sec. 268.)

**1834. Bonds of contractors for public buildings or works; rights of persons furnishing labor and materials.**—That hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made shall have the right to intervene and be made a party to any action instituted by the United States on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States. If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the United States, the remainder shall be distributed pro rata among said interveners. If no suit should be brought by the United States within six months from the completion and final settlement of said contract, then the person or persons supplying the contractor with labor and material shall, upon application therefor, and furnishing affidavit to the Department under the direction of which said work has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the United States in the district court of the United States in the district in which said contract was to be performed and executed, irrespective of the amount in controversy in such suit, and not elsewhere, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution: *Provided*, That where suit is instituted by any of such creditors on the bond of the contractor it shall not be commenced until after the complete performance of said contract and final settlement thereof, and shall be commenced within one year after the performance and final settlement of said contract, and not later: *And provided further*, That where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto within one year from the completion of the work under said contract, and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety on said bond may pay into court, for distribution among said claimants and creditors, the full amount of the sureties' liability to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the United States by reason of the execution of said bond, and upon so doing the surety

will be relieved from further liability: *Provided further*, That in all suits instituted under the provisions of this Act such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto notice of publication in some newspaper of general circulation, published in the State or town where the contract is being performed, for at least three successive weeks, the last publication to be at least three months before the time limited therefor. (Aug. 13, 1894, 28 Stat. 278; Feb. 24, 1905, 33 Stat. 811; Mar. 3, 1911, sec. 291, 36 Stat. 1167; 40 U. S. C., sec. 270.)

**1835.** Contracts exceeding \$2,000 for construction, alteration, etc., of public building or public work; performance bond, payment bond.—That (a) before any contract, exceeding \$2,000 in amount, for the construction, alteration, or repair of any public building or public work of the United States is awarded to any person, such person shall furnish to the United States the following bonds, which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor":

(1) A performance bond with a surety or sureties satisfactory to the officer awarding such contract, and in such amount as he shall deem adequate, for the protection of the United States.

(2) A payment bond with a surety or sureties satisfactory to such officer for the protection of all persons supplying labor and material in the prosecution of the work provided for in said contract for the use of each such person. Whenever the total amount payable by the terms of the contract shall be not more than \$1,000,000 the said payment bond shall be in a sum of one-half the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$1,000,000 and not more than \$5,000,000, the said payment bond shall be in a sum of 40 per centum of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$5,000,000 the said payment bond shall be in the sum of \$2,500,000.

(b) The contracting officer in respect of any contract is authorized to waive the requirement of a performance bond and payment bond for so much of the work under such contract as is to be performed in a foreign country if he finds that it is impracticable for the contractor to furnish such bonds.

(c) Nothing in this section shall be construed to limit the authority of any contracting officer to require a performance bond or other security in addition to those, or in cases other than the cases specified in subsection (a) of this section. (Aug. 24, 1935, sec. 1, Public, No. 321, 74th Cong.)

**1836.** Right of action on payment bond; suit to be brought in name of United States.—(a) Every person who has furnished labor or material in the prosecution of the work provided for in such contract, in respect of which a payment bond is furnished under this Act and who has not been paid in full therefor before the expiration of a period of ninety days after the day on which the last of the labor was done or performed by him or material was furnished or supplied by him for which such claim is made, shall have the right to sue on such payment bond for the amount, or the balance thereof, unpaid at the time

of institution of such suit and to prosecute said action to final execution and judgment for the sum or sums justly due him: *Provided, however,* That any person having direct contractual relationship with a subcontractor but no contractual relationship express or implied with the contractor furnishing said payment bond shall have a right of action upon the said payment bond upon giving written notice to said contractor within ninety days from the date on which such person did or performed the last of the labor or furnished or supplied the last of the material for which such claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. Such notice shall be served by mailing the same by registered mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or in any manner in which the United States marshal of the district in which the public improvement is situated is authorized by law to serve summons.

(b) Every suit instituted under this section shall be brought in the name of the United States for the use of the person suing, in the United States District Court for any district in which the contract was to be performed and executed and not elsewhere, irrespective of the amount in controversy in such suit, but no such suit shall be commenced after the expiration of one year after the date of final settlement of such contract. The United States shall not be liable for the payment of any costs or expenses of any such suit. (Aug. 24, 1935, sec. 2, Public, No. 321, 74th Cong.)

**1837. Comptroller General authorized to furnish certified copy of bond.**—The Comptroller General is authorized and directed to furnish, to any person making application therefor who submits an affidavit that he has supplied labor or materials for such work and payment therefor has not been made or that he is being sued on any such bond, a certified copy of such bond and the contract for which it was given, which copy shall be *prima facie* evidence of the contents, execution, and delivery of the original, and, in case final settlement of such contract has been made, a certified statement of the date of such settlement, which shall be conclusive as to such date upon the parties. Applicants shall pay for such certified copies and certified statements such fees as the Comptroller General fixes to cover the cost of preparation thereof. (Aug. 24, 1935, sec. 3, Public, No. 321, 74th Cong.)

**1838. Definition of "person."**—The term "person" and the masculine pronoun as used throughout this Act shall include all persons whether individuals, associations, copartnerships, or corporations. (Aug. 24, 1935, sec. 4, Public, No. 321, 74th Cong.)

**1839. Effective date; application.**—This act shall take effect upon the expiration of sixty days after the date of its enactment, but shall not apply to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract. The Act entitled "An Act for the protection of persons furnishing materials and labor for the construction of public works", approved August 13, 1894, as amended (U. S. C., title 40, sec. 270), is repealed, except that such Act shall remain in force with respect to contracts for which invitations for

bids have been issued on or before the date this Act takes effect, and to persons or bonds in respect of such contracts. (Aug. 24, 1935, sec. 5, Public, No. 321, 74th Cong.)

**1840. Rate of wages for laborers and mechanics.**—That the advertised specifications for every contract in excess of \$2,000, to which the United States or the District of Columbia is a party, for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there; and every contract based upon these specifications shall contain a stipulation that the contractor or his subcontractor shall pay all mechanics and laborers employed directly upon the site of the work, unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics, and that the scale of wages to be paid shall be posted by the contractor in a prominent and easily accessible place at the site of the work; and the further stipulation that there may be withheld from the contractor so much of accrued payments as may be considered necessary by the contracting officer to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics and not refunded to the contractor, subcontractors, or their agents. (Aug. 30, 1935, Public, No. 403, sec. 1, 74th Cong.)

**1841. Same; provision for termination of contract.**—Every contract within the scope of this Act shall contain the further provision that in the event it is found by the contracting officer that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and to prosecute the work to completion by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby. (Aug. 30, 1935, Public, No. 403, sec. 2, 74th Cong.)

**1842. Use of accrued payments by Comptroller General to pay laborers and mechanics wages found to be due; circulation of list of contractors disregarding their obligations; right of action of laborers and mechanics.—**

(a) The Comptroller General of the United States is hereby authorized and directed to pay directly to laborers and mechanics from any accrued payments withheld under the terms of the contract any wages found to be due laborers and mechanics pursuant to this Act; and the Comptroller General of the United States is further authorized and is directed to distribute a list to all departments of the Government giving the names of persons or firms whom he has found to have disregarded their obligations to employees and subcontractors. No contract shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or firms have an interest until three years have elapsed from the date of publication of the list containing the names of such persons or firms.

(b) If the accrued payments withheld under the terms of the contract, as aforesaid, are insufficient to reimburse all the laborers and mechanics with respect to whom there has been a failure to pay the wages required pursuant to this Act, such laborers and mechanics shall have the right of action and/or of intervention against the contractor and his sureties conferred by law upon persons furnishing labor or materials, and in such proceedings it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds. (Aug. 30, 1935, sec. 3, Public, No. 403, 74th Cong.)

**1843. Construction of act with reference to authority otherwise granted by Federal law.**—This Act shall not be construed to supersede or impair any authority otherwise granted by Federal law to provide for the establishment of specific wage rates. (Aug. 30, 1935, sec. 4, Public, No. 403, 74th Cong.)

**1844. Effective date of act; effect on existing contracts, bids.**—This Act shall take effect thirty days after its passage, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this Act. (Aug. 30, 1935, sec. 5, Public, No. 403, 74th Cong.)

**1845. President authorized to suspend provisions in event of national emergency.**—In the event of a national emergency the President is authorized to suspend the provisions of this Act. (Aug. 30, 1935, sec. 6, Public, No. 403, 74th Cong.)

**1846. Furniture in new buildings.**—The furniture for all new public buildings shall hereafter be procured in accordance with plans and specifications approved by the Supervising Architect of the Treasury. (May 27, 1908, sec. 1, 35 Stat. 327; 40 U. S. C., sec. 283.)

**1847. Buildings under control of Secretary of the Treasury.**—That all courthouses, customhouses, post offices, appraiser's stores, barge offices, and other public buildings outside of the District of Columbia and outside of military reservations which have been heretofore purchased or erected, or are at present in course of construction, or which may hereafter be erected or purchased out of any appropriation under the control of the Treasury Department, together with the site or sites thereof, are hereby expressly declared to be under the exclusive jurisdiction and control and in the custody of the Secretary of the Treasury, who shall have full power to take possession of and assign and reassign rooms therein to such Federal officials,

clerks, and employees as in his judgment and discretion should be furnished with offices or rooms therein. (July 1, 1898, sec. 1, 30 Stat. 614; May 29, 1920, 41 Stat. 654; 40 U. S. C., sec. 285.)

**1848. Buildings not to be draped in mourning.**—That hereafter no building owned, or used for public purposes, by the Government of the United States, shall be draped in mourning and no part of the public fund shall be used for such purpose. (Mar. 3, 1893, sec. 3, 27 Stat. 715; 40 U. S. C., sec. 286.)

#### THE PUBLIC PROPERTY

**1849. Lease of buildings by Government; money consideration.**—Hereafter, except as otherwise specifically provided by law, the leasing of buildings and properties of the United States shall be for a money consideration only, and there shall not be included in the lease any provision for the alteration, repair, or improvement of such buildings or properties as a part of the consideration for the rental to be paid for the use and occupation of the same. The moneys derived from such rentals shall be deposited and covered into the Treasury as miscellaneous receipts. (June 30, 1932, sec. 321, 47 Stat. 412; 40 U. S. C., sec. 303b.)

**1850. Purchase of material and supplies from Government services.**—That the heads of the several executive departments and other responsible officials, in expending appropriations contained in this or any other Act, so far as possible shall purchase material, supplies, and equipment, when needed and funds are available, from other services of the Government possessing material, supplies, and equipment no longer required because of the cessation of war activities. It shall be the duty of the heads of the several executive departments and other officials, before purchasing any of the articles described herein, to ascertain from the other services of the Government whether they have articles of the character described that are serviceable. And articles purchased by one service from another, if the same have not been used, shall be paid for at a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage. The various services of the Government are authorized to sell such articles under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as a miscellaneous receipt: *Provided*, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office material, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities. (July 11, 1919, sec. 5, 41 Stat. 67; 40 U. S. C., sec. 311.)

**1851. Surplus materials; supplies and equipment; application of Executive order of December 3, 1918.**—That the Executive order of December 3, 1918, shall apply to all materials, supplies, and equipment now or hereafter becoming surplus or unusable in any executive department or independent Government establishment in the District of Columbia and shall continue in effect hereafter without modification, except that the prices charged for reissued surplus materials, supplies, and equipment, shall be the estimated current market value at time of issue, and that the proceeds from the transfer of appropriations thereunder shall be covered into the Treasury as miscellaneous

receipts: *Provided further*, That the heads of the executive departments and independent establishments and the Commissioners of the District of Columbia hereafter shall cooperate with the Secretary of the Treasury in connection with the storage and delivery of material, supplies, and equipment transferred under the foregoing provisions. (Dec. 20, 1928, sec. 1, 45 Stat. 1030; 40 U. S. C., sec. 311a.)

#### PROPERTY ABANDONED TO OR SEIZED BY THE UNITED STATES

**1852. Definitions.**—As used in this title—

(1) "Property" means all personal property, including but not limited to vessels, vehicles, and aircraft;

(2) "Agency" includes any executive department, independent establishment, board, commission, bureau, service, or division of the United States, and any corporation in which the United States owns all or a majority of the stock.

(3) "Director" means the Director of the Procurement Division of the Treasury Department of the United States. (Aug. 27, 1935, title III, sec. 301, Public, No. 347, 74th Cong.)

**1853. Abandoned property; retention of by agency to which abandoned; or, on request of such agency, disposal of by Director of Procurement.**—In the event that any property is or has been voluntarily abandoned to any agency in such manner as to vest title thereto in the United States, it may be retained by such agency and devoted to official use only. If such agency shall not desire so to retain such property, the head thereof shall forthwith notify the Director to that effect, and the Director shall, within a reasonable time—

(a) order such agency to deliver the property to any other agency which requests and in his judgment should be given the property, or

(b) order disposal of the property as otherwise provided by law. (Aug. 27, 1935, title III, sec. 302, Public, No. 347, 74th Cong.)

**1854. Retention of certain property seized or forfeited by Government agency permitted; disposal.**—In the event that any property seized by any agency is or has been forfeited to the United States otherwise than by court decree, it may, in the event that the property is not ordered by competent authority to be returned to any claimant, and in lieu of being disposed of as otherwise provided by law (including advertisement for sale, and sale), be retained by such agency and devoted to official use only. If such agency shall not desire so to retain such property, the head thereof shall forthwith notify the Director to that effect, and such property shall—

(a) in the event that it is not ordered by competent authority to be returned to any claimant, and in lieu of being disposed of as otherwise provided by law (including advertisement for sale, and sale), be delivered by such agency, upon order of the Director given within a reasonable time, to any other agency which requests and in the judgment of the Director should be given the property, or

(b) upon order of the Director given within a reasonable time, be disposed of as otherwise provided by law. (Aug. 27, 1935, title III, sec. 303, Public, No. 347, 74th Cong.)

**1855. Proceedings by court decree for forfeiture of property; application to court by Director of Procurement.**—In the event that proceedings are or have been commenced for the forfeiture of any property by court decree, the agency which seized such property shall forthwith notify

the Director and may at the same time file with him a request for such property for its official use. The Director shall, before entry of a decree, apply to the court to order delivery of such property—

- (a) to the agency filing such request; or
- (b) if no such request has been filed, to any other agency which requests and in the judgment of the Director should be given such property; or

(c) if the agency which seized such property has not requested it, and no other agency has requested and in the judgment of the Director should be given such property, and if in the judgment of the Director the property may later become necessary to any agency for official use, to the seizing agency to be retained in its custody. Thereafter, the Director shall, within a reasonable time, order such agency to deliver the property to any other agency which requests and in his judgment should be given such property, or to dispose of it as otherwise provided by law,

and if forfeiture thereof is decreed, the court shall, in the event that the property is not ordered by competent authority to be returned to any claimant, order delivery accordingly. All the property for which no such application is made shall be disposed of by the court in accordance with law. (Aug. 27, 1935, title III, sec. 304, Public, No. 347, 74th Cong.)

**1856. Appropriation available for purchase, etc., of property available for payment of expenses of operation, etc., of property acquired under this act.**—The appropriation available to any agency for the purchase, hire, operation, maintenance, and repair of property of any kind shall be available for the payment of expenses of operation, maintenance, and repair of property of the same kind received by it under any provision of this title for official use; for the payment of any lien recognized and allowed pursuant to law, and for the payment of all moneys found to be due any person upon the duly authorized remission or mitigation of any forfeiture; and for reimbursement of other agencies as hereafter provided. The costs of hauling, transporting, towing, and storage of such property shall be paid by the agency which has seized such property or to which it has been abandoned; and, if such property is later delivered to another agency for official use under sections 302, 303, or 304 of this title, the latter shall make reimbursement for all such costs incurred prior to the date of delivery to it of such property. (Aug. 27, 1935, title III, sec. 305, Public, No. 347, 74th Cong.)

**1857. Retention or delivery regarded as sale.**—Retention or delivery of forfeited or abandoned property under this title shall be regarded as the sale thereof for the purpose of laws providing for informer's fees or remission or mitigation of any forfeiture. Any property so acquired when no longer needed for official use shall be disposed of in the same manner as other surplus property. (Aug. 27, 1935, title III, sec. 306, Public, No. 347, 74th Cong.)

**1858. Director authorized to require reports and rules and regulations.**—The Director is authorized, with the approval of the Secretary of the Treasury, (1) to require any agency, from time to time, to make a report of all property abandoned to it or seized and the disposal thereof, and (2) to make such rules and regulations as may be necessary to carry out the provisions of this title. (Aug. 27, 1935, title III, sec. 307, Public, No. 347, 74th Cong.)

**1859.** Construction of act as repealer; classes of property not subject to allocation.—\* \* \* (b) Nothing contained in this title shall be construed as repealing any other laws relating to the disposition of forfeited or abandoned property, except such provisions of such laws as are directly in conflict with any provisions of this title.

(c) The following classes of property shall not be subject to allocation under sections 302, 303, or 304 of this title, but shall be disposed of in the manner otherwise provided by law:

(1) arms or munitions of war included in section 4 of title VI of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes" (40 Stat. 223), approved June 15, 1917, as amended;

(2) narcotic drugs, as defined in the Narcotic Drug Import and Export Act;

(3) firearms, as defined in the National Firearms Act; and

(4) such other classes or kinds of property as the Director, with the approval of the Secretary of the Treasury, may deem in the public interest, and may by rules and regulations provide. (Aug. 27, 1935, title III, sec. 308, Public, No. 347, 74th Cong.)

#### DISPOSITION OF REAL PROPERTY THROUGH DIRECTOR OF PROCUREMENT

**1860.** Disposition of real property outside District of Columbia by Federal agencies; assignment of space by Director of Procurement; sale authorized.—That notwithstanding any other provisions of law, whenever any real property located outside of the District of Columbia, exclusive of military or naval reservations, heretofore or hereafter acquired by any Federal agency, by judicial process or otherwise in the collection of debts, purchase, donation, condemnation, devise, forfeiture, lease, or in any other manner, is, in whole or in part, declared to be in excess of its needs by the Federal agency having control thereof, or by the President on recommendation of the Secretary of the Treasury, the Director of Procurement, with the approval of the Secretary of the Treasury, is authorized (a) to assign or reassign to any Federal agency or agencies space therein: *Provided*, That if the Federal agency to which space is assigned does not desire to occupy the space so assigned to it, the decision of the Director of Procurement shall be subject to review by the President; or (b) pending a sale, to lease such real property on such terms and for such period not in excess of five years as he may deem in the public interest; or (c) to sell the same at public sale to the highest responsible bidder upon such terms and after such public advertisement as he may deem in the public interest. (Aug. 27, 1935, Public, No. 351, sec. 1, 74th Cong.)

**1861.** Repairs or alterations authorized to be made by Director of Procurement; payment for repairs where appropriation of Procurement Division is inadequate.—Whenever after investigation it is determined by the Director of Procurement that any such real property should be used for the accommodation of any Federal agency or agencies, the Director of Procurement is authorized to make any repairs thereto or alterations thereof which he deems necessary or advisable and to maintain and operate the same. To the extent that the appropria-

tions of the Procurement Division not otherwise allocated are inadequate for such repairs, alterations, maintenance, or operation, the Director of Procurement may require each Federal agency to which space has been assigned therein pursuant to the provisions of section 1 of this Act to pay promptly by check to the Procurement Division out of its appropriation for rent, either in advance of or upon or during occupancy of such space, all or part of the estimated or actual cost of such repairs, alterations, maintenance, and operation: *Provided*, That the total amount so to be paid shall be determined and equitably apportioned by the Director of Procurement among the Federal agencies to whom space has been so assigned: *Provided further*, That the amount so charged against any Federal agency shall be computed at a rate not in excess of that paid as rent by such agency immediately preceding such assignment for space in lieu of which space is so assigned to it, and if it is less the difference shall be deposited in the Treasury as miscellaneous receipts: *And provided further*, That in the event such space is not assigned in lieu of existing space, the amount so charged shall be computed at a rate not in excess of that which the Director of Procurement determines, with the approval of the Secretary of the Treasury, would have been paid as rent for corresponding space during the current fiscal year, and if it is less the difference shall be deposited in the Treasury as miscellaneous receipts. If a Federal agency subject to this proviso disagrees with the amount so determined by the Director of Procurement shall be subject to review by the President. (Aug. 27, 1935, Public, No. 351, sec. 2, 74th Cong.)

**1862. Director of Procurement authorized to procure space by lease for periods not in excess of 5 years.**—The Director of Procurement, with the approval of the Secretary of the Treasury, is further authorized to procure space by lease, on such terms and for such period not in excess of five years as he may deem in the public interest, for the housing of any Federal agency or agencies outside of the District of Columbia, except the Post Office Department, and to assign and re-assign space therein in the same manner as is authorized with respect to surplus real property by section 1 of this Act, and to require the Federal agencies to whom space is assigned therein to pay the total expenditures required under such lease during its entire term in the manner specified in section 2 of this Act. (Aug. 27, 1935, Public, No. 351, sec. 3, 74th Cong.)

**1863. Regulations.**—The Director of Procurement, with the approval of the Secretary of the Treasury, is authorized to make such regulations as may be necessary to carry out the provisions of this Act. (Aug. 27, 1935, Public, No. 351, sec. 4, 74th Cong.)

**1864. Federal agency defined.**—The term "Federal agency", as used in this Act, means any executive department, independent establishment, commission, board, bureau, division, or office in the executive branch, or other agency of the United States, including corporations wholly owned by the United States. (Aug. 27, 1935, Public, No. 351, sec. 5, 74th Cong.)

#### HOURS OF LABOR ON PUBLIC WORKS

**1865. Eight-hour day on public works; river and harbor dredging; longer hours unlawful.**—That the service and employment of all labor-

ers and mechanics who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics or of such persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to require or permit any such laborer or mechanic or any such person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to work more than eight hours in any calendar day, except in case of extraordinary emergency: *Provided*, That nothing in this Act [40 U. S. C., secs. 321-323] shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States. (Aug. 1, 1892, sec. 1, 27 Stat. 340; Mar. 3, 1913, 37 Stat. 726; 40 U. S. C., sec. 321.)

**1866. Violation of act punishable.**—That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon a public work of the United States or of the District of Columbia, or any person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, who shall intentionally violate any provision of this Act [40 U. S. C., secs. 321-323] shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed one thousand dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof. (Aug. 1, 1892, sec. 2, 27 Stat. 340; Mar. 3, 1913, 37 Stat. 727; 40 U. S. C., sec. 322.)

**1867. Existing contracts not affected.**—That the provisions of this Act [40 U. S. C., secs. 321-323] shall not be so construed as to in any manner apply to or affect contractors or subcontractors, or to limit the hours of daily service of laborers or mechanics engaged upon a public work of the United States or of the District of Columbia, or persons employed to perform services similar to those of laborers and mechanics in connection with

dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, for which contracts have been entered into prior to the passing of this Act or may be entered into under the provisions of appropriation Acts approved prior to the passage of this Act. (Aug. 1, 1892, sec. 3, 27 Stat. 340; Mar. 3, 1913, 37 Stat. 727; 40 U. S. C., sec. 323.)

1868. Public contracts to provide for 8-hour day; stipulation for penalty; inspectors to report violations; appeals; right of action in Court of Claims.—That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of five dollars for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this Act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court. (June 19, 1912, sec. 1, 37 Stat. 137; 40 U. S. C., sec. 324.)

1869. Contracts excepted; work included; waiver in time of war; when penalty not to be imposed; 8-hour law not affected.—That nothing in this Act [40 U. S. C., secs. 324-325] shall apply to contracts for trans-

portation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section one of this Act [40 U. S. C., sec. 324]. The President, by Executive order, may waive the provisions and stipulations in this Act as to any specific contract or contracts during time of war or a time when war is imminent, and until January first, nineteen hundred and fifteen, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal. No penalties shall be imposed for any violation of such provisions in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this Act [40 U. S. C., secs. 324-325] shall be construed to repeal or modify the Act entitled "An Act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia" being chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August 1, 1892, as modified by the Acts of Congress, approved February 27th, 1906, and June 30th, 1906 [40 U. S. C., secs. 321-323], or apply to contracts which have been or may be entered into under the provisions of appropriation Acts approved prior to the passage of this Act. (June 19, 1912, sec. 2, 37 Stat. 138; 40 U. S. C., sec. 325.)

#### ACQUISITION OF LAND IN DISTRICT OF COLUMBIA FOR USE OF UNITED STATES BY CONDEMNATION PROCEEDINGS

**1870.** *Condemnation proceedings authorized; jurisdiction.*—That whenever the head of any executive department or independent bureau, or other officer of the United States, or any board or commission of the United States, hereinafter referred to as the acquiring authority, has been, or hereafter shall be, authorized by law to acquire real property in the District of Columbia for the construction of any public building or work, or for parks, parkways, public playgrounds, or any other public purpose, such acquiring authority shall be, and hereby is, authorized to acquire the same in the name of the United States by condemnation under judicial process whenever in the opinion of such acquiring authority it is necessary or advantageous so to do; and in every such case the Attorney General of the United States, upon the request of such acquiring authority, shall cause a proceeding in rem for such condemnation to be instituted in the Supreme Court of the District of Columbia, holding a special term

as a district court of the United States, which court is hereby vested with jurisdiction of all such cases of condemnation with full power to hear and determine all issues of law and fact that may arise in the same. (Mar. 1, 1929, sec. 1, 45 Stat. 1415; 40 U. S. C., sec 361.)

**1870a. Institution of proceedings.**—Every such condemnation proceeding shall be instituted by filing in said court a verified petition which shall contain or have annexed thereto the following:

(1) A statement of the authority under which and the public use for which the lands are to be acquired.

(2) A description of the lands to be acquired sufficient for the identification thereof. Where such lands, taken together, constitute all privately owned land in any square in the city of Washington it shall be sufficient to designate the same by the number of the square as the same appears on the records of squares in the office of the surveyor of the District of Columbia.

(3) A plan showing the lands to be acquired.

(4) The names of the owners of the lands to be acquired, so far as ascertainable by reasonable inquiry, and of the persons in actual and open possession of the same. If it shall appear from the land records of the District of Columbia that a right, title, interest, or estate in said lands was formerly vested in any person who is known, or may be presumed, to be deceased, which right, title, interest, or estate, if valid and subsisting, would be adverse to the person in present possession claiming to be owner of said lands, and the names of the heirs or devisees of such deceased person are not known, it shall be sufficient to describe them in the petition and in any order of citation or publication or other process thereon as "the unknown heirs or devisees" of such deceased person. And such designation shall be valid and effective to all intents and purposes as if all persons claiming by, through, or under said deceased person had been specifically named.

(5) A statement of the estate or interest in said lands which petitioner intends to acquire for the public use stated.

(6) A prayer that said lands be condemned and taken for the use of the United States and that the title to the same in fee simple, or such estate or interest as may be specified, be vested in the United States. (Mar. 1, 1929, sec. 2, 45 Stat. 1415; 40 U. S. C., sec. 362.)

**1870b. Citation and notice.**—The court shall cause public notice of the institution of such proceeding to be given by an order of citation requiring all persons claiming to have any right, title, interest, or estate in the lands to be acquired, or to be entitled to compensation in respect of the taking of the same, and all persons occupying the same, to appear in said court on a day to be named in said order of citation to answer the petition and make claim for the compensation to which they deem themselves entitled. (Mar. 1, 1929, sec. 3, 45 Stat. 1416; 40 U. S. C., sec. 363.)

**1870c. Same; contents.**—Such order of citation shall contain a description of the lands to be acquired sufficient for the identification thereof and the names of the persons given in the petition as claiming to have any right, title, interest, or estate in said lands or to be entitled to compensation in respect of the taking of the same and as occupying the same. If any such person is alleged in said petition to be a nonresident of the District of Columbia, the order of citation

shall also state the last place of residence of such person, if known. (Mar. 1, 1929, sec. 4, 45 Stat. 1416; 40 U. S. C., sec. 364.)

1870d. Same; publication.—Said order of citation shall be published at least once a week for three consecutive weeks in some newspaper of general circulation published in the District of Columbia. (Mar. 1, 1929, sec. 5, 45 Stat. 1416; 40 U. S. C., sec. 365.)

1870e. Same; service.—The court shall also direct service of a copy of said order of citation before the return date of the said order upon each of the persons named therein who is, so far as ascertainable by reasonable inquiry, residing or sojourning at the time within the District of Columbia. The court shall also require a copy of said order of citation to be mailed, postpaid, to such of the persons named therein as may be shown by said petition or affidavit to be nonresidents of the District of Columbia, such copy to be addressed to such persons at their last known places of residence. (Mar. 1, 1929, sec. 6, 45 Stat. 1416; 40 U. S. C., sec. 366.)

1870f. Default in appearance.—In default of appearance on or before the return day specified in said order of citation (or on or before such further day as the court for cause shown may allow for the purpose) every person having any right, title, interest, or estate in the lands described in said order, or entitled to compensation in respect of the taking of the same or entitled to the possession of, or occupying the same, shall be deemed to have consented to the taking and condemnation of said lands for the public purpose stated at and for such compensation as may be finally awarded therefor in the proceeding and shall be bound by all orders, judgments, and decrees that may be entered in said proceeding. (Mar. 1, 1929, sec. 7, 45 Stat. 1416; 40 U. S. C., sec. 367.)

1870g. Appearance; when permitted.—The court may, by order, upon application and for cause shown, at any time prior to final judgment permit any person claiming any right, title, interest, or estate in the lands to be acquired or to be entitled to compensation in respect of the taking of the same to appear in said proceeding upon such terms and conditions as the court may direct. (Mar. 1, 1929, sec. 8, 45 Stat. 1416; 40 U. S. C., sec. 368.)

1870h. Guardians ad litem.—If any person having, or claiming to have, any right, title, interest, or estate in the lands to be acquired, or entitled, or claiming to be entitled, to compensation in respect of the taking of the same, or entitled or claiming to be entitled, to the possession of the same, appears to be under legal disability by reason of infancy, insanity, idiocy, or other like cause, the court, after the return day specified in the order of citation, upon the application of any person interested, shall appoint some suitable person as guardian ad litem to appear for such person under disability. Failure to apply for the appointment of a guardian ad litem for any such person under disability shall not affect the validity of the proceedings. (Mar. 1, 1929, sec. 9, 45 Stat. 1417; 40 U. S. C., sec. 369.)

1870i. Vesting of title and right to compensation.—The petitioner may file in the cause, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the lands described in the petition, declaring that said lands are thereby taken for the use of the United States. Said declaration of taking shall contain or have annexed thereto—

(1) A statement of the authority under which and the public use for which said lands are taken.

(2) A description of the lands taken sufficient for the identification thereof.

(3) A statement of the estate or interest in said lands taken for said public use.

(4) A plan showing the lands taken.

(5) A statement of the sum of money estimated by said acquiring authority to be just compensation for the land taken.

Upon the filing of said declaration of taking and of the deposit in the registry of the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in said declaration, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in said declaration, shall vest in the United States of America, and said lands shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation for the same shall vest in the persons entitled thereto; and said compensation shall be ascertained and awarded in said proceeding and established by judgment therein, and the said judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per centum per annum on the amount finally awarded as the value of the property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the registry. No sum so paid into the registry shall be charged with commissions or poundage.

Upon the application of the parties in interest, the court may order that the money deposited in the registry of the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded in respect of said lands or any parcel thereof shall exceed the amount of the money so received by any person entitled, the court shall enter judgment against the United States for the amount of the deficiency.

Upon the filing of a declaration of taking, the court shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner. The court shall have power to make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable. (Mar. 1, 1929, sec. 10, 45 Stat. 1417; 40 U. S. C., sec 370.)

**1870j. Setting date for trial and selection of jury.**—When all the persons who have been summoned or published against in said case, as hereinbefore provided, have either answered or are in default as aforesaid, and all persons under legal disability have answered by their guardians ad litem, or in the judgment of the court ample opportunity has been given for the same, the case shall be regarded as ready for trial, and, upon the application of any party to said suit, the court shall forthwith set an early date to be especially fixed by it, not less than ten nor more than twenty days from the date of such application, for the trial of the issues of law and fact raised in said case, and the ascertainment of the compensation or damages to be awarded for the taking of the lands to be condemned.

The court shall thereupon order the jury commission to draw from the special box provided for by law the names of as many persons, not less than twenty, as the court may direct, and to certify said names to the clerk of the Supreme Court of the District of Columbia as a panel of prospective jurors. The persons so certified shall be thereupon summoned by the United States marshal for the District of Columbia to appear in said court on the day specially fixed for the trial of said cause. Before selecting or impaneling said jury, the court may, in its discretion, cause a second, third, or other further list of prospective jurors to be drawn, certified, and summoned in like manner. From the persons so certified and summoned, the court, after examination on oath and in open court as to their qualifications, shall select and impanel a jury of five capable and disinterested persons who shall have the qualifications of jurors as prescribed by law for the courts of the District of Columbia, and in addition thereto shall be freeholders of said district and shall not be in the service or employment of the United States or of the District of Columbia. (Mar. 1, 1929, sec. 11, 45 Stat. 1418; 40 U. S. C., sec. 371.)

**1870k. Oath of juror.**—To the jurors so selected and impaneled the court shall administer an oath or affirmation that they are not interested in any manner in the lands to be condemned and that they are not to their knowledge related to any person interested therein, and that they will impartially and to the best of their judgment ascertain, appraise, and award just compensation for the lands to be condemned and taken in said proceeding. (Mar. 1, 1929, sec. 12, 45 Stat. 1418; 40 U. S. C., sec. 372.)

**1870l. View.**—After being selected, impaneled, and sworn, and before hearing the evidence, the jury shall be taken by the marshal upon the lands to be acquired at a time to be fixed by the court in order to view the said lands; and all parties in interest, their attorneys, and representatives shall have the right to be present at such view. (Mar. 1, 1929, sec. 13, 45 Stat. 1418; 40 U. S. C., sec. 373.)

**1870m. Trial.**—After such view and the jury shall have returned to the court, the trial of said cause shall be proceeded with before the court and jury. Any person who has appeared in the cause claiming any right, title, interest, or estate in the land to be taken, or compensation on account of the taking of the same, shall have the right to submit evidence concerning the value of such land, parcel by parcel, the nature and extent of his right, interest, or estate therein, and the compensation justly due for the taking of the same. No new structure or substantial alteration of a permanent nature, the purpose or natural effect of which is to enhance the value of the land to be taken, erected, or made thereon after the institution of the condemnation proceedings shall be taken into consideration in assessing and awarding compensation for said land. If the land to be valued shall have been taken by virtue of a declaration of taking, as provided in this Act, said land shall be valued for the purposes of compensation as of the date of such taking; and if, by act of the owner or other party claiming to be entitled to compensation, the value of the land for the use for which it is to be taken has been diminished, as by cutting trees, excavating, grading, or otherwise altering its physical condition, allowance, if petitioner so elects, shall

be made in assessing compensation for such diminution in value. Every party, whether petitioner or respondent, may except to any ruling of the court admitting or excluding evidence, granting, rejecting, or modifying prayers for instruction, or other ruling made in the cause in like manner as in other civil trials. (Mar. 1, 1929, sec. 14, 45 Stat. 1418; 40 U. S. C., sec. 374.)

**1870n. Verdict.**—At the close of the evidence the court shall charge the jury as in other trials at law and furnish them with a written form to be used in returning their verdict. The members of the jury may separate when not engaged in the consideration of their verdict. When the jury, or a majority thereof, shall have agreed upon their verdict they shall, through their foreman, so notify the court, which shall thereupon pass an order setting a day for the return of the verdict in open court. The verdict shall be in writing subscribed by the jurors concurring therein, and shall set forth, parcel by parcel, the compensation to be paid for the taking of the lands to be condemned. (Mar. 1, 1929, sec. 15, 45 Stat. 1419; 40 U. S. C., sec. 375.)

**1870o. Setting aside verdict.**—The court shall have power to set aside or vacate the verdict of the jury, or any award contained therein, and to grant a new trial upon the same grounds as in other trials at law and upon the ground that said verdict, or any award contained therein is, in the judgment of the court, grossly excessive, or inadequate, or otherwise unreasonable or unjust. In case the verdict or any award contained therein is set aside or vacated, the court shall award a new trial with respect to the lands as to which said verdict or such award is set aside or vacated; and the court shall fix a date for a new trial and order a new panel of prospective jurors to be drawn, certified, and summoned as hereinbefore provided; and the cause shall be proceeded with as if no such verdict or award had been rendered. (Mar. 1, 1929, sec. 16, 45 Stat. 1419; 40 U. S. C., sec. 376.)

**1870p. Proceedings after verdict.**—No motion for a new trial or to set aside or vacate the verdict, in whole or in part, or any award contained therein, shall be made after the expiration of twenty days, Sundays and legal holidays excluded, from the rendition thereof; and if no such motion be filed within such time, the verdict and the award or awards contained therein shall become final and conclusive, and judgment shall be entered thereon. (Mar. 1, 1929, sec. 17, 45 Stat. 1419; 40 U. S. C., sec. 377.)

**1870q. Judgment.**—In the event that any verdict or any award contained therein shall become final by lapse of time or that any motion filed to set aside or vacate the same or to grant a new trial in respect thereof shall have been denied or overruled, the court shall enter judgment against the United States in favor of the parties entitled for the sum or sums awarded as just compensation, respectively, for the lands condemned for the use of the United States. (Mar. 1, 1929, sec. 18, 45 Stat. 1420; 40 U. S. C., sec. 378.)

**1870r. Payment of judgment.**—Any final judgment rendered against the United States under any provision of this Act shall have like force and effect as a money judgment rendered against the United States by the Court of Claims in a suit in respect of which the

United States has expressly consented to be sued; and the amount of any such final judgment shall be paid out of any specific appropriation applicable to the case, if any such there be; and when no such appropriation exists, said judgment shall be paid in the same manner (except with respect to interest) as judgments rendered by the Court of Claims in cases under its general jurisdiction. (Mar. 1, 1929, sec. 19, 45 Stat. 1420; 40 U. S. C., sec. 379.)

**1870s. Appeal.**—Any party aggrieved by any final judgment in a proceeding under this Act may appeal therefrom to the United States Court of Appeals for the District of Columbia, and upon such appeal said court shall have power to review said judgment and affirm, reverse, or modify the same as on appeals in other actions at law. No such appeal, nor any bond or undertaking given therein, shall operate to prevent or delay the vesting of title to said lands in the United States, but upon the filing of a declaration of taking or (if no declaration of taking is filed) upon payment to the party entitled or deposit in the registry of the court, of the amount awarded by any judgment, title shall vest in the United States, saving to all parties their right to just compensation. In the event that the compensation finally awarded and adjudged for such lands shall exceed the amount awarded and adjudged by the judgment appealed from, said court shall enter judgment for the deficiency with interest as hereinbefore provided. (Mar. 1, 1929, sec. 20, 45 Stat. 1420; June 7, 1934, 48 Stat. 926; 40 U. S. C., sec. 380.)

**1870t. Payment of compensation into court.**—Payment into the registry of the court for the use of all parties entitled of the sum of money adjudged to be just compensation for the lands to be condemned and taken, or for any parcel thereof, or any interest therein, shall constitute payment of such compensation. Upon such payment, the petitioner shall be entitled to an order declaring that the title to the lands in respect of which such compensation is so paid is vested in the United States of America. The money so paid into the registry of the court shall be deemed to be vested in the persons owning or interested in said lands, according to their respective estates and interests, and said money shall take the place and stand in lieu of the lands condemned. The court, upon the application of the petitioner or of any party in interest, shall have power to determine and direct who is entitled to receive payment of the money so paid into the registry, and may, in its discretion, order a reference to the auditor of the court or a special master to ascertain the facts on which such determination and direction are to be made. (Mar. 1, 1929, sec. 21, 45 Stat. 1420; 40 U. S. C., sec. 381.)

**1870u. Delivery of possession.**—In cases in which possession shall not have been awarded pursuant to a declaration of taking, when the adjudged compensation shall have been paid into the registry as directed in the judgment of the court and a certified copy of such judgment, with a certificate of the clerk of the court showing such payment, has been served upon the person in possession of said lands, such person shall upon demand, deliver possession thereof to the petitioner. In case possession is not delivered when so demanded, the petitioner may apply to the court without notice (unless the court shall require notice to be given) for a writ of assistance, and the court, upon proof of the service of the copy of the final order

or judgment and certificate of the clerk showing payment as aforesaid, shall thereupon cause such writ to be issued, which shall be executed in the same manner as when issued in other cases for the delivery of possession of real property. (Mar. 1, 1929, sec. 22, 45 Stat. 1421; 40 U. S. C., sec. 382.)

**1870v. Amendments.**—In all proceedings under this Act the court shall have power at any stage of the proceeding to allow amendments in form or substance in any petition, citation, summons, process, answer, declaration of taking, order, verdict, or other proceeding, including amendment in the description of the lands sought to be condemned, whenever such amendment will not impair the substantial rights of any party in interest. (Mar. 1, 1929, sec. 23, 45 Stat. 1421; 40 U. S. C., sec. 383.)

**1870w. General provisions.**—In all proceedings under this Act, where the mode or manner of conducting the proceeding is not expressly provided for by law, the court shall have power to make all necessary orders and give all necessary directions to carry into effect the object and intent of this Act and of the several Acts of Congress heretofore or hereafter enacted conferring authority to acquire lands for the use of the United States. (Mar. 1, 1929, sec. 24, 45 Stat. 1421; 40 U. S. C., sec. 384.)

**1870x. Provisions for saving pending proceedings.**—The repeal, express or implied, of any existing law or the alteration or amendment thereof by virtue of anything in this Act contained shall not affect (1) any act done or any right, including the right to appeal, accruing or accrued under the law so repealed, altered, or amended, or (2) any suit or proceeding pending in the Supreme Court of the District of Columbia, or in the United States Court of Appeals for the District of Columbia, or the Supreme Court of the United States upon writ of error, appeal, certificate, writ of certiorari, or upon application for writ of error, appeal, certificate, or writ of certiorari, at the time of the taking effect of this Act; but all suits and proceedings shall be proceeded with and disposed of in the same manner and with the same effect as if this Act had not been passed, save and except only that in any condemnation suit or proceeding for the condemnation of land for the use of the United States pending in the Supreme Court of the District of Columbia in which commissioners of appraisement shall not have been appointed by the court at the time of the taking effect of this Act, the trial of said condemnation suit or proceeding shall proceed and be conducted from that point forward in accordance with the provisions of this Act; and all evidence as to the value of the property to be condemned and taken shall be given before the court and jury as in this Act prescribed and the matter shall be proceeded with and disposed of in the same manner and with like effect as if the proceeding had been originally begun and the petition filed and all prior proceedings had under and pursuant to the provisions of this Act and after the taking effect of the same. (Mar. 1, 1929, sec. 25, 45 Stat. 1421; June 7, 1934, 48 Stat. 926; 40 U. S. C., sec. 385.)

**1870y. Proceedings on behalf of the District of Columbia not affected by this Act.**—This Act shall not affect any suit or proceeding begun, now pending, or hereafter to be instituted under chapter 15 of the Code of Law for the District of Columbia, by or on behalf of the Com-

missioners of the District of Columbia for the condemnation of land for sites of schoolhouses, fire or police stations, or for a right of way for sewers, or for any other municipal use; but as to all such suits and proceedings, and the right of said commissioners to institute the same, said chapter shall be and remain in full force and effect as if this Act had not been made. (Mar. 1, 1929, 45 Stat. 1422; 40 U. S. C., sec. 386.)

### PUBLIC CONTRACTS

**1871. Returns office; transfer to General Accounting Office.**—That the returns office, together with its activities, personnel, contracts, bids, offers, proposals, advertisements, books, records, documents, furniture, office equipment, and papers and property of whatsoever character, is hereby transferred from the Interior Department to the General Accounting Office; and all powers and duties whatsoever in connection therewith now vested in or required to be performed by or under the Secretary of the Interior are transferred to, vested in, and required to be performed by or under the Comptroller General of the United States. (Feb. 4, 1929, sec. 1, 45 Stat. 1147; 41 U. S. C., sec. 4a.)

**1872. Advertisements for proposals for supplies or services; exceptions.**—All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals. (R. S., sec. 3709; June 25, 1910, sec. 23, 36 Stat. 861; 41 U. S. C., sec. 5.)

**1873. Same; exceptions.**—That hereafter section thirty-seven hundred and nine of the Revised Statutes of the United States [41 U. S. C., sec. 5] shall not be construed to apply to any purchase or service rendered in the Department of Agriculture when the aggregate amount involved does not exceed the sum of fifty dollars. (Mar. 1, 1899, 30 Stat. 957; 41 U. S. C., sec. 6.)

**1874. Advertisements and contracts for executive departments, etc., in Washington; general supply committee; bonds of contractors; purchase or drawing of supplies.**—That hereafter all supplies of fuel, ice, stationery, and other miscellaneous supplies for the executive departments and other government establishments in Washington, when the public exigencies do not require the immediate delivery of the article, shall be advertised and contracted for by the Secretary of the Treasury, instead of by the several departments and establishments, upon such days as he may designate. There shall be a general supply committee<sup>18</sup> in lieu of the board provided for in section thirty-seven hun-

<sup>18</sup> The function of determination of policies and methods of procurement, warehousing, and distribution of property, facilities, structures, improvements, machinery, equipment, stores, and supplies exercised by any agency is transferred to a Procurement Division in the Treasury Department, at the head of which shall be a Director of Procurement.

The Office of the Supervising Architect of the Treasury Department is transferred to the Procurement Division, except that the buildings of the Treasury Department shall be

dred and nine of the Revised Statutes as amended, composed of officers, one from each such department, designated by the head thereof, the duties of which committee shall be to make, under the direction of the said Secretary, an annual schedule of required miscellaneous supplies, to standardize such supplies, eliminating all unnecessary grades and varieties, and to aid said Secretary in soliciting bids based upon formulas and specifications drawn up by such experts in the service of the Government as the committee may see fit to call upon, who shall render whatever assistance they may require. The committee shall aid said Secretary in securing the proper fulfillment of the contracts for such supplies, for which purpose the said Secretary shall prescribe, and all departments comply with, rules providing for such examination and tests of the articles received as may be necessary for such purpose; in making additions to the said schedule; in opening and considering the bids, and shall perform such other similar duties as he may assign to them: *Provided*, That the articles intended to be purchased in this manner are those in common use by or suitable to the ordinary needs of two or more such departments or establishments; but the said Secretary shall have discretion to amend the annual common supply schedule from time to time as to any articles that, in his judgment, can as well be thus purchased. In all cases only one bond for the proper performance of each contract shall be required, notwithstanding that supplies for more than one department or government establishment are included in such contract. Every purchase or drawing of such supplies from the contractor shall be immediately reported to said committee. No disbursing officer shall be a member of such committee. No department or establishment shall purchase or draw supplies from the common schedule through more than one office or bureau, except in case of detached bureaus or offices having field or outlying service, which may purchase directly from the contractor with the permission of the head of their department: *And provided further*, That telephone service, electric light, and power service purchased or contracted for from companies or individuals shall be so obtained by him. (June 17, 1910, sec. 4, 36 Stat. 531; 41 U. S. C., sec. 7.)

**1875. Consolidation and coordination of Government purchases; authorization; duties of General Supply Committee.**—That the Secretary of the Treasury, through the General Supply Committee established under the provisions of section 4 of the Act approved June 17, 1910,

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administered by the Treasury Department and the administration of post-office buildings is transferred to the Post Office Department. The General Supply Committee of the Treasury Department is abolished.

In respect of any kind of procurement, warehousing, or distribution for any agency the Procurement Division may, with the approval of the President, (a) undertake the performance of such procurement, warehousing, or distribution itself, or (b) permit such agency to perform such procurement, warehousing, or distribution, or (c) entrust such performance to some other agency, or (d) avail itself in part of any of these resources, according as it may deem desirable in the interest of economy and efficiency. When the Procurement Division has prescribed the manner of procurement, warehousing, or distribution of anything, no agency shall thereafter procure, warehouse, or distribute such thing in any manner other than so prescribed.

The execution of work now performed by the Corps of Engineers of the Army shall remain with said corps, subject to the responsibilities herein vested in the Procurement Division.

The Procurement Division shall also have control of all property, facilities, structures, machinery, equipment, stores, and supplies not necessary to the work of any agency; may have custody thereof or entrust custody to any other agency; and shall furnish the same to agencies as need therefor may arise. \* \* \* (Executive Order No. 6166, sec. 1, June 10, 1933.)

entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes" [41 U. S. C., sec. 7], is hereby authorized and directed to purchase or procure and distribute supplies to meet the consolidated requirements of the executive departments and independent establishments of the Federal Government in Washington, District of Columbia, and of the municipal government of the District of Columbia: *Provided*, That the requirements of the field services of any department or establishment, when request is made by the head thereof, shall be included in such purchase or procurement and distribution of supplies. The supplies to be purchased in this manner shall be designated by the Secretary of the Treasury from those for which he is authorized under existing law to make term contracts or to include in the general schedule of supplies issued annually by the General Supply Committee. (Feb. 27, 1929, sec. 1, 45 Stat. 1341; 41 U. S. C., sec. 7a.)

**1876.** Requisition for supplies; reimbursement.—That each executive department and independent establishment shall furnish from time to time, when called on to do so, estimates of its requirements for inclusion in purchases which it is proposed to have made by the Secretary of the Treasury, and there shall be reserved from proper appropriations sufficient amounts in each case to reimburse the general supply fund hereinafter created. The General Supply Committee shall charge the proportionate cost of supplies, including breakage, shrinkage, transportation, cost of handling by the Treasury Department, and inspection, and bill the same to each requisitioning department; and each requisitioning department and independent establishment shall reimburse said general supply fund out of its appropriation upon proper vouchers. (Feb. 27, 1929, sec. 2, 45 Stat. 1342; 41 U. S. C., sec. 7b.)

**1877.** General supply fund; expenditures; reimbursements; report and audit; payments for supplies procured for field service.—That there is hereby authorized to be set aside as a special fund in the Treasury Department, to be known as the general supply fund, such sum as may be appropriated by Congress for the making of payments for supplies to be purchased under the provisions of this Act [41 U. S. C., secs. 7a, 7b], including the cost thereof and transportation charges, and reimbursement therefor upon presentation of proper vouchers shall be made by each requisitioning office, out of any appropriations which may be applicable, by depositing the proper amounts directly to the credit of the Treasurer of the United States for the credit of the general supply fund herein authorized, and duplicate certificates of deposits issued therefor shall be promptly forwarded to the General Supply Committee: *Provided*, That all such reimbursements shall be placed to the credit of the general supply fund, and the same are hereby reappropriated for the same purpose as the original fund: *Provided further*, That there shall be included in each annual report of the Treasury Department a statement of the assets and liabilities of the said general supply fund as of June 30, including as assets any supplies purchased therefrom and on hand, for which reimbursement has not been received: *Provided further*, That the Comptroller General of the United States shall make an annual audit of the general supply fund as of June 30, and there shall be covered into the United

States Treasury as miscellaneous receipts any surplus found therein, all assets and liabilities considered, above the amount appropriated to establish the said fund: *Provided, however,* That payments for supplies procured for a field service may, in the discretion of the head of the department or establishment controlling such field service, and with the concurrence of the Secretary of the Treasury, be made direct to the vendors by the department or establishment. (Feb. 27, 1929, sec. 3, 45 Stat. 1342; 41 U. S. C., sec. 7c.)

**1878. Opening bids.**—Whenever proposals for supplies have been solicited, the parties responding to such solicitations shall be duly notified of the time and place of opening the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made. (R. S., sec. 3710; 41 U. S. C., sec. 8.)

**1879. Definitions.**—That when used in this title [41 U. S. C., secs. 10a, 10b, 10c]—

(a) The term "United States," when used in a geographical sense, includes the United States and any place subject to the jurisdiction thereof;

(b) The terms "public use," "public building," and "public work" shall mean use by, public building of, and public work of, the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, the Philippine Islands, American Samoa, the Canal Zone, and the Virgin Islands. (Mar. 3, 1933, sec. 1, 47 Stat. 1520; 41 U. S. C., sec. 10c.)

**1880. American materials required for public use.**—Notwithstanding any other provision of law, and unless the head of the department or independent establishment concerned shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, shall be acquired for public use. This section shall not apply with respect to articles, materials, or supplies for use outside the United States, or if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. (Mar. 3, 1933, sec. 2, 47 Stat. 1520; 41 U. S. C., sec. 10a.)

**1881. Contracts for public works; American materials; blacklisting contractors.**—(a) Every contract for the construction, alteration, or repair of any public building or public work in the United States growing out of an appropriation heretofore made or hereafter to be made shall contain a provision that in the performance of the work the contractor, subcontractors, material men, or suppliers, shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States except as provided in section 2 [41

U. S. C., sec. 10a.] : *Provided, however,* That if the head of the department or independent establishment making the contract shall find that in respect to some particular articles, materials, or supplies it is impracticable to make such requirement or that it would unreasonably increase the cost, an exception shall be noted in the specifications as to that particular article, material, or supply, and a public record made of the findings which justified the exception.

(b) If the head of a department, bureau, agency, or independent establishment which has made any contract containing the provision required by subsection (a) finds that in the performance of such contract there has been a failure to comply with such provisions, he shall make public his findings, including therein the name of the contractor obligated under such contract, and no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be awarded to such contractor, subcontractors, material men, or suppliers with which such contractor is associated or affiliated, within a period of three years after such finding is made public. (Mar. 3, 1933, sec. 3, 47 Stat. 1520; 41 U. S. C., sec. 10b.)

**1882. Bids for Government contracts; acceptance of, made subject to codes of fair competition.**—That no bid submitted prior to the enactment of this joint resolution in response to the invitation of any executive department, independent establishment, or other agency or instrumentality of the United States, the District of Columbia, or any corporation all the stock of which is owned by the United States (all of the foregoing being hereinafter designated as "agencies of the United States"), if otherwise valid and acceptable, shall be rejected because made subject to the provisions of any code or codes of fair competition, or any related requirements (as provided in Executive Order Numbered 6646 of March 14, 1934), if the bidder, with the assent of his surety, shall agree in writing that the contract, if entered into, shall, in lieu of such code provisions or other related requirements, be subject to all Acts of Congress, enacted after the date of enactment of this joint resolution, requiring the observance of minimum wages, maximum hours, or limitations as to age of employees in the performance of contracts with agencies of the United States. In such cases the compensation provided for in the contract shall be reduced from that stated in the bid by the amount that the contracting officer, subject to the approval of the Comptroller General, shall find the cost of performing the contract is reduced solely by reason of the contractor not complying with the provisions of such code or codes or related requirements; and the compensation for the performance of the contract shall be increased from that fixed in the contract by the amount that the contracting officer, subject to the approval of the Comptroller General, shall find the cost of performing the contract has been increased solely by reason of compliance with such subsequent Acts of Congress, if any, relating to the performance of contracts with agencies of the United States. (Aug. 29, 1935, Public Res. 65, 74th Cong.)

**1883. No contracts or purchases unless authorized or under adequate appropriation.**—No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy

Departments, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year. (R. S., sec. 3732; June 12, 1906, 34 Stat. 255; 41 U. S. C., sec. 11.)

**1884. No contract to exceed appropriation.**—No contract shall be entered into for the erection, repair, or furnishing of any public building or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose. (R. S., sec. 3733; 41 U. S. C., sec. 12.)

**1885. Contracts limited to 1 year.**—It shall not be lawful for any of the Executive Departments to make contracts for stationery or other supplies for a longer term than one year from the time the contract is made. (R. S., sec. 3735; 41 U. S. C., sec. 13.)

**1886. Restriction on purchase of land.**—No land shall be purchased on account of the United States, except under a law authorizing such purchase. (R. S., sec. 3736; 41 U. S. C., sec. 14.)

**1887. No transfer of contracts.**—No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties are reserved to the United States. (R. S., sec. 3737; 41 U. S. C., sec. 15.)

**1888. Deposit of contracts.**—All contracts to be made, by virtue of any law, and requiring the advance of money, or in any manner connected with the settlement of public accounts, shall be deposited promptly in the General Accounting Office, according to the nature of the contracts: *Provided*, That this section shall not apply to the existing laws in regard to the contingent funds of Congress. (R. S., sec. 3743, Feb. 27, 1877, sec. 1, 19 Stat. 249; July 31, 1894, sec. 18, 28 Stat. 210; June 10, 1921, secs. 304, 310, 42 Stat. 24, 25; 41 U. S. C., sec. 20.)

**1889. Same; rules and regulations.**—The heads of the several executive departments and the proper officers of other Government establishments, not within the jurisdiction of any executive department, shall make appropriate rules and regulations to secure a proper administrative examination of all accounts sent to them as required by section 12 of this Act [31 U. S. C. sec. 78], before their transmission to the General Accounting Office, and for the execution of the requirements of this Act [41 U. S. C. sec. 20], insofar as the same relate to the several departments or establishments. (July 31, 1894, sec. 22, 28 Stat. 210; June 10, 1921, secs. 304, 310, 42 Stat. 24; 41 U. S. C., sec. 21.)

**1890. Interest of Member of Congress.**—In every such contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no member of or delegate to Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise therefrom. (R. S., sec. 3741; Feb. 27, 1877, sec. 1, 19 Stat. 249; 41 U. S. C., sec. 22.)

**1890a. Same; Agricultural Adjustment Act.**—That the provisions of section 3741 of the Revised Statutes (U. S. C., title 41, sec. 22) and

sections 114 and 115 of the Criminal Code of the United States (U. S. C., title 18, secs. 204 and 205) shall not apply to any contracts or agreements heretofore or hereafter entered into under the Agricultural Adjustment Act. (Jan. 25, 1934, 48 Stat. 337; 41 U. S. C., sec. 22.)

1891. Orders or contracts for material placed with Government-owned establishments deemed obligations.—All orders or contracts for the manufacture of material pertaining to approved projects placed before June 5, 1920, or thereafter or hereafter with Government-owned establishments shall be considered as obligations in the same manner as provided for similar orders placed with commercial manufacturers, and the appropriations shall remain available for the payment of the obligations so created as in the case of contracts or orders with commercial manufacturers. (June 5, 1920, 41 Stat. 975; 41 U. S. C., sec. 23.)

1892. Contracts for transportation of moneys, bullion, coin, and securities.—Whenever it is practicable contracts for the transportation of moneys, bullion, coin, notes, bonds, and other securities of the United States, and paper shall be let to the lowest responsible bidder therefor, after notice to all parties having means of transportation. (July 7, 1884, sec. 1, 23 Stat. 204; 41 U. S. C., sec. 24.)

1893. Cancellation of contracts for transportation; compensation.—Whenever it shall appear to the President, in respect of any contract entered into by the United States prior to the date of enactment of this Act for the transportation of persons and/or things, that the full performance of such contract is not required in the public interest, and that modification or cancellation of such contract will result in substantial savings to the United States, the President is hereby, upon giving sixty days' notice and opportunity for public hearing to the parties to such contract, authorized, in his discretion, on or before March 31, 1936, to modify or cancel such contract. Whenever the President shall modify or cancel any such contract, he shall determine just compensation therefor; and if the amount thereof, so determined by the President, is unsatisfactory to the individual, firm, or corporation entitled to receive the same, such individual, firm, or corporation shall be entitled to receive such portion thereof as the President shall determine and shall be entitled to sue the United States to recover such further sum as, added to said portion so received, will make up such amount as will be just compensation therefor, in the manner provided for by paragraph 20 of section 41 and section 250 of title 28 of the United States Code: *Provided*, That where any such contract makes provision for settlement in the event of modification or cancellation, the amount of just compensation as determined hereunder shall not exceed such amount as is authorized by said contract. Any appropriation out of which payments upon the said contract were authorized to be made is hereby made available for the payment of such just compensation. (June 16, 1933, sec. 5, 48 Stat. 305; Apr. 24, 1935, 49 Stat. 161; Aug. 29, 1935, 49 Stat. 991; 41 U. S. C., sec. 24a.)

1894. Exchange of typewriters and adding machines in part payment for new machines.—That the executive departments and other Government establishments and all branches of the public service may hereafter exchange typewriters, adding machines, and other similar labor-

saving devices in part payment for new machines used for the same purpose as those proposed to be exchanged. (Mar. 4, 1915, sec. 5, 38 Stat. 1161; 41 U. S. C., sec. 26.)

**1895. Disposition of typewriting machines.**—Hereafter no department or other Government establishment shall dispose of any typewriting machines by sale, exchange, or as part payment for another typewriter, that has been used less than three years. (June 5, 1920, sec. 7, 41 Stat. 947; 41 U. S. C., sec. 27.)

## PUBLIC HEALTH

**1896. Detail of Public Health Service officers to Department.**—Hereafter the Secretary of the Treasury may detail medical officers of the Public Health Service to the Department of Agriculture for cooperative assistance in the administration of the food and drugs Act, approved June thirtieth, nineteen hundred and six, and amended August twenty-third, nineteen hundred and twelve [21 U. S. C., secs. 1-14], and the compensation and expenses of the officers so detailed may be paid from the applicable appropriations made herein for enforcement of said Act. (Oct. 1, 1918, 40 Stat. 992; 42 U. S. C., sec. 17.)

**1897. Public Health Service; officers and employees; details to executive and independent departments carrying on public-health activities.**—That upon the request of the head of an executive department or an independent establishment which is carrying on a public-health activity the Secretary of the Treasury is authorized to detail officers or employees of the Public Health Service to such department or independent establishment in order to cooperate in such work. When officers or employees are so detailed their salaries and allowances shall be paid by the Public Health Service from applicable appropriations. (Apr. 9, 1930, sec. 1, 46 Stat. 150; 42 U. S. C., sec. 17a.) (Apr. 9, 1930, sec. 2 (a), 46 Stat. 150; 42 U. S. C., sec. 71a.)

**1898. National Institute of Health; Advisory Board.**—That there shall be an advisory board [which hereafter shall be known as the National Advisory Health Council] for the National Institute of Health provided by the Act of Congress approved March third, nineteen hundred and one, for consultation with the Surgeon-General of the Public Health and Marine-Hospital Service relative to the investigations to be inaugurated, and the methods of conducting the same, in said institute. Said council shall consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry by the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, respectively, which experts, with the director of the said institute, shall be ex officio members of the council, and serve without additional compensation. (July 1, 1902, sec. 5, 32 Stat. 713; Apr. 9, 1930, sec. 13, 46 Stat. 152; May 26, 1930, sec. 1, 46 Stat. 379; 42 U. S. C., sec. 21.)

## PUBLIC LANDS

### GEOLOGICAL SURVEY

**1899. Geological Survey; distribution of maps and atlases.**—That the Director of the Geological Survey be, and is hereby, authorized and directed, on the approval of the Secretary of the Interior, to dispose

of the topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, at such prices and under such regulations as may from time to time be fixed by him and approved by the Secretary of the Interior; and that a number of copies of each map or atlas, not exceeding five hundred, shall be distributed gratuitously among foreign governments and Departments of our own Government, to literary and scientific associations, and to such educational institutions or libraries as may be designated by the Director of the Survey and approved by the Secretary of the Interior. (Feb. 18, 1897, sec. 1, 29 Stat. 701; 43 U. S. C., sec. 42.)

#### REGISTERS AND RECEIVERS

**1900. Repayment of purchase moneys paid under applications rejected.**—Where purchase moneys and commissions paid under any public-land law have been or shall be covered into the Treasury of the United States under any application to make any filing, location, selection, entry, or proof, such purchase moneys and commissions shall be repaid to the person who made such application, entry, or proof, or to his legal representatives, in all cases where such application, entry, or proof has been or shall be rejected, and neither such applicant nor his legal representatives shall have been guilty of any fraud or attempted fraud in connection with such application: *Provided*, That such person or his legal representatives shall file a request for the repayment of such purchase moneys and commissions within two years from the rejection of such application, entry, or proof. (Mar. 26, 1908, sec. 1, 35 Stat. 48; Dec. 11, 1919, 41 Stat. 366; 43 U. S. C., sec. 95.)

**1901. Repayment of excess payments.**—In all cases where it shall appear to the satisfaction of the Secretary of the Interior that any person has made any payments to the United States under the public-land laws in excess of the amount he was lawfully required to pay under such laws, such excess shall be repaid to such person or to his legal representatives: *Provided*, That such person or his legal representatives shall file a request for the repayment of such excess within two years after the patent has issued for the land embraced in such payment. (Mar. 26, 1908, sec. 2, 35 Stat. 48; Dec. 11, 1919, 41 Stat. 366; 43 U. S. C., sec. 96.)

**1902. Certification of amount of excess moneys and repayment.**—When the Commissioner of the General Land Office shall ascertain the amount of any excess moneys, purchase moneys, or commissions in any case where repayment is authorized by the two preceding sections, the Secretary of the Interior shall at once certify such amounts to the Secretary of the Treasury, who is authorized and directed to make repayment of all amounts so certified out of any moneys not otherwise appropriated and issue his warrant in settlement thereof. (Mar. 26, 1908, sec. 3, 35 Stat. 48; Dec. 11, 1919, 41 Stat. 366; 43 U. S. C., sec. 97.)

**1903. Rules and regulations.**—The Secretary of the Interior is authorized to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of the three preceding sections [43 U. S. C., sec. 95-97] into full force and effect. (Mar. 26, 1908, sec. 4; Dec. 11, 1919, 41 Stat. 367; 43 U. S. C., sec. 98.)

**1904. Application of certain act to acts relating to disposition of public lands.**—The provisions of the Act of Congress approved December 11, 1919 (41 Stat. L. 366), entitled "An Act to amend an Act approved March 26, 1908, entitled 'An Act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws,'" [43 U. S. C., secs. 95–98], is hereby made applicable to all payments in excess of lawful requirements made under the Act of Congress approved February 25, 1920 (41 Stat. L. 437) [30 U. S. C., secs. 181–263], and under any statute relating to the sale, entry, lease, or other disposition of the public lands. (June 27, 1930, 46 Stat. 822; 43 U. S. C., sec. 98a.)

#### WITHDRAWAL FROM SETTLEMENT, LOCATION, SALE, OR ENTRY

**1905. Withdrawal and reservation of lands for public purposes.**—That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including Alaska, and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an Act of Congress. (June 25, 1910, sec. 1, 36 Stat. 847; 43 U. S. C., sec. 141.)

**1906. Lands withdrawn open to exploration under mining laws; rights of occupants or claimants of oil- or gas-bearing lands.**—That all lands withdrawn under the provisions of this Act [43 U. S. C., secs. 141, 142] shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to metalliferous minerals: *Provided*, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil- or gas-bearing lands and who, at such date, is in the diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work: *Provided further*, That this Act [43 U. S. C., secs. 141, 142] shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil- or gas-bearing lands after any withdrawal of such lands made prior to June twenty-fifth, nineteen hundred and ten: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this Act [43 U. S. C., secs. 141, 142] all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made. (June 25, 1910, sec. 2, 36 Stat. 847; Aug. 24, 1912, 37 Stat. 497; 43 U. S. C., sec. 142.)

**1907. Reservation of lands in North Dakota.**—That upon receipt of a proper deed from the State of North Dakota, executed under authority of the Act of its legislative assembly, approved February fifth, nineteen hundred and fifteen, reconveying to the United States

title to section sixteen, township one hundred and thirty-eight north, range eighty-one west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding one thousand two hundred and eighty acres in aggregate area, and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, North Dakota. (July 3, 1916, 39 Stat. 344; 43 U. S. C., sec. 153.)

#### TIMBER AND STONE LANDS

**1908.** Sale of lands valuable for timber or stone.—That surveyed public lands of the United States within the public-land States, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes" [30 U. S. C., secs. 43-45, 51], shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by provisions of said act; and such rights shall be expressly reserved in any patent issued under this act. (June 3, 1878, sec. 1, 20 Stat. 89; Aug. 4, 1892, sec. 2, 27 Stat. 348; May 18, 1898, sec. 1, 30 Stat. 418; 43 U. S. C., sec. 311.)

#### GRAZING LANDS

**1909.** Secretary of Interior authorized to cooperate with other departments to stop injury to public grazing lands, etc.—That the Secretary of the Interior is hereby authorized to cooperate with any department of the Government in carrying out the purposes of this Act, and in the coordination of range administration, particularly where the same stock grazes part time in a grazing district and part time in a national forest or other reservation. (June 28, 1934, sec. 12, 48 Stat. 1274; 43 U. S. C., sec. 315k.)

**1910.** National forest administration; lands under.—That the President of the United States is authorized to reserve by proclamation and

place under national-forest administration in any State where national forests may be created or enlarged by Executive order any unappropriated public lands lying within watersheds forming a part of the national forests which, in his opinion, can best be administered in connection with existing national-forest administration units, and to place under the Interior Department administration any lands within national forests, principally valuable for grazing, which, in his opinion, can best be administered under the provisions of this Act: *Provided*, That such reservations or transfers shall not interfere with legal rights acquired under any public-land laws so long as such rights are legally maintained. Lands placed under the national-forest administration under the authority of this Act shall be subject to all the laws and regulations relating to national forests, and lands placed under the Interior Department administration shall be subject to all public-land laws and regulations applicable to grazing districts created under authority of this Act. Nothing in this section shall be construed so as to limit the powers of the President (relating to reorganizations in the executive departments) granted by title 4 of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933. (June 28, 1934, sec. 13, 48 Stat. 1274; 43 U. S. C., sec. 3151.)

#### RECLAMATION AND IRRIGATION OF LANDS BY FEDERAL GOVERNMENT

**1911. Use of earth, stone, and timber from public lands and forest reserves.**—That in carrying out the provisions of the national irrigation law, approved June seventeenth, nineteen hundred and two [43 U. S. C., ch. 12], and in constructing works thereunder, the Secretary of the Interior is hereby authorized to use and to permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone, and timber from the public lands of the United States as may be required in the construction of such works, and the Secretary of Agriculture is hereby authorized to permit the use of earth, stone, and timber from the national forests of the United States for the same purpose, under rules and regulations to be prescribed by him. (Feb. 8, 1905, 33 Stat. 706; Mar. 4, 1917, 34 Stat. 1269; 43 U. S. C., sec. 420.)

#### RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS

**1912. Rights-of-way through public lands granted to railroads.**—That the right-of-way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also ground adjacent to such right-of-way for station

buildings, depots, machine shops, sidetracks, turnouts, and water-stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road. (Mar. 3, 1875, sec. 1, 18 Stat. 482; 43 U. S. C., sec. 934.)

**1913. Several roads through canyons.**—That any railroad company whose right-of-way, or whose track or roadbed upon such right-of-way, passes through any canyon, pass, or defile shall not prevent any other railroad company from the use and occupancy of the said canyon, pass, or defile, for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade. And the location of such right-of-way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile. (Mar. 3, 1875, sec. 2, 18 Stat. 482; 43 U. S. C., sec. 935.)

**1914. Condemnation of lands.**—That the legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public lands of the United States may be condemned; and where such provisions shall not have been made, such condemnation may be made in accordance with section three of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two," approved July second, eighteen hundred and sixty-four. (Mar. 3, 1875, sec. 3, 18 Stat. 482; 43 U. S. C., sec. 936.)

**1915. Filing profile of road; forfeiture of rights.**—That any railroad company desiring to secure the benefits of this act [43 U. S. C., secs. 934–939], shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a profile of its road; and upon approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office; and thereafter all such lands over which such right-of-way shall pass shall be disposed of subject to such right-of-way: *Provided*, That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road. (Mar. 3, 1875, sec. 4, 18 Stat. 483; 43 U. S. C., sec. 937.)

**1916. Lands excepted.**—That this act [43 U. S. C., secs. 934–939] shall not apply to any lands within the limits of any military, park, or Indian reservation, or other lands specially reserved from sale

unless such right-of-way shall be provided for by treaty stipulation or by act of Congress heretofore passed. (Mar. 3, 1875, sec. 5, 18 Stat. 483; 43 Stat. 938.)

**1917.** Right reserved to alter, amend, or repeal act.—That Congress hereby reserves the right at any time to alter, amend, or repeal this act [43 U. S. C., secs. 934–939], or any part thereof. (Mar. 3, 1875, sec. 6, 18 Stat. 483; 43 Stat. 939.)

**1918.** Grand Canyon National Forest; railroad right-of-way.—That the Santa Fe and Grand Canyon Railroad Company, a corporation created and existing under the laws of the Territory of Arizona, is authorized to construct and maintain a railroad over and through the Grand Canyon National Forest (heretofore reserved from entry or settlement and set apart as a public reservation by Benjamin Harrison, President of the United States, by proclamation of date the twentieth day of February, eighteen hundred and ninety-three), said railroad to enter the said Grand Canyon National Forest at such a point on the southern boundary of said reserve in Coconino County, Arizona, as may be found to be the most feasible for the route of said railroad, running in a northerly direction from Williams, Arizona; thence proceeding by the most practicable route through a point at or near Lombard and the Bright Angel Trail to the Indian Gardens, and from said Bright Angel Trail in an easterly direction to the Little Colorado River; also to proceed by such side tracks, extensions, switches, and spurs as may be necessary to reach the various groups of mines in said national forest, all in said Coconino County; said right-of-way being granted subject to the rules and restrictions and carrying all the rights and privileges of an Act entitled “An Act granting to railroads the right-of-way through the public lands of the United States”, approved March third, eighteen hundred and seventy-five [43 U. S. C., secs. 934–939], said Act being hereby made applicable to the right-of-way hereby granted: *Provided*, That no timber shall be cut by said railroad company for any purpose outside of the rights-of-way herein granted. (May 18, 1898, 30 Stat. 418.)

**1919.** Pikes Peak Timber Land Reserve; railroad right-of-way.—That the Cripple Creek District Railway Company, a corporation created and existing under the laws of the State of Colorado, be, and it hereby is, authorized to construct and maintain a railway over and through the Pikes Peak Timber Land Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Executive order), said railway to enter said Pikes Peak Timber Land Reserve at such a point on the eastern or northern boundary thereof in El Paso County, Colorado, as may be found to be the most feasible for the route of said railway, running in a westerly direction from Colorado Springs, Colorado, thence proceeding by the most practicable route through the reserve to the western boundary thereof; also, to proceed by such side tracks, extensions, switches, and spurs as may be necessary to reach any groups of mines in said forest reserve, all in said El Paso County; and the said railway company is hereby also granted right-of-way through the public lands to the town of Cripple Creek, in the said State of Colorado; said right-of-way being granted subject to the rules and restrictions and carrying all the rights and privileges of an Act entitled “An Act granting to railroads the right-of-way through the

public lands of the United States", approved March third, eighteen hundred and seventy-five [43 U. S. C., secs. 934-939], said Act being hereby made applicable to the right-of-way hereby granted: *Provided*, That no timber shall be cut by said railroad company for any purpose outside the rights-of-way herein granted. (June 27, 1898, 30 Stat. 493.)

1920. Same.—That the Cripple Creek Short-Line Railway Company, a corporation created and existing under the laws of the State of Colorado, be, and it hereby is, authorized to construct and maintain a railway over and through the Pikes Peak Timber Land Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Executive order), said railway to enter said Pikes Peak Timber Land Reserve at such a point on the eastern or northern boundary thereof in El Paso County, Colorado, as may be found to be the most feasible for the route of said railway, running in a westerly direction from Colorado Springs, Colorado, thence proceeding by the most practical route through the reserve to the western boundary thereof; also, to proceed by such side tracks, extensions, switches, and spurs as may be necessary to reach any group of mines in said forest reserve, all in said El Paso County; and the said railroad company is hereby also granted right-of-way through the public lands to the town of Cripple Creek, in the said State of Colorado; said right-of-way being granted subject to the rules and restrictions and carrying all the rights and privileges of an Act entitled "An Act granting to railroads the right-of-way through the public lands of the United States", approved March third, eighteen hundred and seventy-five [43 U. S. C., secs. 934-939], said Act being hereby made applicable to the right-of-way hereby granted: *Provided*, That no timber shall be cut by said railroad company for any purpose outside of the rights-of-way herein granted: *And provided further*, That the right-of-way herein granted shall not interfere with the right-of-way on Government land through the Pikes Peak Timberland Reserve, granted by Act of Congress, entitled: "An Act granting right-of-way through the Pikes Peak Timber-land Reserve and the public lands to the Cripple Creek District Railway Company", approved June twenty-seventh, eighteen hundred and ninety-eight. (July 8, 1898, 30 Stat. 729.)

1921. San Francisco Mountains National Forest; railroad right of way.—That the Saginaw Southern Railroad Company, a corporation created and existing under the laws of the Territory of Arizona, is authorized to construct and maintain a railroad over and through the San Francisco Mountains National Forest (heretofore reserved from entry and settlement and set apart as a public reserve by William McKinley, President of the United States, by proclamation dated the seventeenth day of August, eighteen hundred and ninety-eight). Said railroad to be constructed upon and across the said San Francisco Mountains Forest Reserve from a point on the line of the Santa Fe Pacific Railroad Company at the town of Williams, in the county of Coconino, Territory of Arizona, thence in a southerly direction by the most practical route to the town of Jerome, in the county of Yavapai, Territory of Arizona; also to construct and maintain such side tracks, extensions, switches, and spurs as may be necessary to the convenient construction and maintenance

of said railroad in the said counties of Coconino and Yavapai; said right-of-way being granted subject to the rules and restrictions and carrying all the rights and privileges of an Act entitled "An Act granting to railroads the right-of-way through the public lands of the United States", approved March third, eighteen hundred and seventy-five [43 U. S. C., secs. 934-939], said Act being hereby made applicable to the right-of-way hereby granted: *Provided*, that no timber shall be cut by said railroad company for any purpose outside of the right-of-way herein granted. (Jan. 10, 1899, 30 Stat. 783.)

1922. Same.—That upon the conditions herein named the Central Arizona Railway Company, a corporation existing under the laws of the Territory of Arizona, is hereby granted a right-of-way, conformably to the Act entitled "An Act granting to railroads a right-of-way through the public lands of the United States", approved March third, eighteen hundred and seventy-five [43 U. S. C., secs. 934-939], and the existing regulations adopted thereunder, over and through the San Francisco Mountains National Forest, in the State of Arizona, for a line of railroad from a point at or near Flagstaff, in the county of Coconino, Territory of Arizona, in a southwesterly direction by the most practicable route to the town of Jerome, in the county of Yavapai, Territory of Arizona, and thence in a southeasterly direction to the town of Globe, in the county of Gila, Territory of Arizona, with the right to construct and maintain all necessary side tracks, extensions, switches, spurs, and water stations: *Provided*, That as a condition to obtaining such right-of-way the said company shall be required to agree, in writing, to conform to such further regulations as may be prescribed by the Secretary of Agriculture for the purpose of protecting the said national forest and conserving the purposes for which the national forest was established and is maintained; but said company shall not be authorized to take or cut any timber within the limits of said national forest outside of its said right-of-way. (Feb. 25, 1903, 32 Stat. 907.)

1923. Same; San Gabriel National Forest; railroad right-of-way.—That there is hereby granted to the Pasadena and Mount Wilson Railway Company, a corporation organized and existing under the laws of the State of California, and to its successors and assigns, authority to construct, maintain, and operate a railway for a distance of nine miles, more or less, over and through the San Gabriel National Forest (heretofore reserved from entry and settlement and set apart as a public reservation by Benjamin Harrison, President of the United States, by proclamation of date the twentieth day of December, anno Domini eighteen hundred and ninety-two), from the place in said National forest known as Rubio to the summit of the mountain known as Mount Lowe, in the Sierra Madre Mountains, in the county of Los Angeles and State of California, the course of said railway to be the same as that of the railroad now operated by said railway company from Rubio aforesaid to Alpine Tavern, the present terminus of said railroad, and from thence to the summit of said Mount Lowe, by the most practicable route; said right-of-way being hereby granted to said Pasadena and Mount Wilson Railway Company, but subject to the rights, privileges, rules, and restrictions of an Act entitled "An

Act granting to railroads the right-of-way through the public lands of the United States", approved March third, anno Domini eighteen hundred and seventy-five [43 U. S. C., secs. 934-939], said Act being hereby made applicable to the right-of-way hereby granted: *Provided*, That no timber shall be cut by said railway company for any purpose outside of the right-of-way herein granted: *And provided further*, That said company shall give bond as provided by the regulations of the Secretary of the Interior prescribed under the law relating to National forest. (Feb. 28, 1899, sec. 1, 30 Stat. 910.)

1924. Sale to railway company of additional land for stations, etc.—That in addition to such of the public ground as said railway company will be entitled to take, under and in accordance with the provisions of the said Act entitled "An Act granting to railroads the right-of-way through the public lands of the United States", approved March third, anno Domini eighteen hundred and seventy-five [43 U. S. C., secs. 934-939], for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, the Secretary of the Interior is hereby authorized to sell, at the rate of one dollar and twenty-five cents per acre, to the said Pasadena and Mount Wilson Railway Company, its successors and assigns, for stations, hotels, astronomical observatories, seminaries of learning, and such other buildings and purposes as may be required in connection with said railway line, the following-described parcels of land along said right-of-way, to wit: The unsurveyed land described as the west half of the northwest quarter of the northwest quarter of section two, when regularly protracted, in township one north, range twelve west, San Bernardino meridian, containing twenty acres, more or less.

Also the tract or parcel of land described as follows, to wit: Beginning at a point in the easterly line of the two-hundred-foot right-of-way of the Pasadena and Mount Wilson Railway Company, which point is north twenty-seven degrees thirty minutes west nine hundred feet from the point where said right-of-way line crosses the north line of section three, township one north, range twelve west; running thence north sixty-two degrees forty minutes east five hundred feet; thence north twenty-seven degrees thirty minutes west one thousand eight hundred and fifty feet; thence west three hundred and fifty feet, more or less, to the easterly line of the right-of-way aforesaid; thence southeasterly along said right-of-way to the place of beginning, containing twenty acres, more or less.

Also the unsurveyed lands described as the west half of the west half of the southeast quarter and the east half of the east half of the southwest quarter of section twenty-six, township two north, range twelve west, San Bernardino meridian, when regular protracted, containing eighty acres, more or less.

Also a tract of land consisting of forty acres at the terminus of said right-of-way at Mount Lowe: *Provided*, That all minerals, including coal, in all of said right-of-way and lands hereby granted are reserved to the United States. (Feb. 28, 1899, sec. 2, 30 Stat. 910.)

1925. Same; right-of-way and lands granted for use of Pasadena & Mount Wilson Railway Co. only.—That the said right-of-way and lands for stations, hotels, astronomical observatories, seminaries of learning,

and other purposes granted hereby are intended for the use of said Pasadena and Mount Wilson Railway Company, its successors and assigns, and in case of the sale of said Pasadena and Mount Wilson Railway and its appurtenances by act of the corporation or under decree of court, all of the rights and benefits hereby granted shall vest in the owner or owners for the time being of said railway line and appurtenances. (Feb. 28, 1899, sec. 3, 30 Stat. 911.)

**1926.** Lincoln National Forest; railroad right-of-way.—That a right-of-way is hereby granted to the El Paso and Rock Island Railway Company, a corporation organized under the laws of New Mexico, its successors and assigns, over, through, across, and upon the Lincoln National Forest, in the State of New Mexico, subject to the conditions herein contained, for the construction, maintenance, and operation of its present pipe lines now located thereupon, and such additions and extensions as it may make thereto, for the purpose of enabling it to carry water owned or in the future acquired by it to and along its railroad right-of-way situated outside of such national forest for use in its locomotive engines, cars, trains, railroad shops, and tanks, and other railroad purposes, together with a right-of-way over and right to improve, construct, maintain, use, and occupy the present reservoir site now used and occupied by such railroad company for the storage of water for such purposes: *Provided*, That the Secretary of Agriculture may upon abandonment or nonuse of the same for the purpose for which it is granted for a period not less than one year declare said right-of-way or any part thereof forfeited and annul the same. (Mar. 4, 1915, sec. 1, 38 Stat. 1195.)

**1927.** Same; width of right-of-way for pipe lines.—That the right-of-way hereby granted for such pipe lines shall be so much as may be necessary only for such purposes, not to exceed, however, twenty-five feet on each side of the present center thereof where the same is already constructed, and an equal width for all extensions thereof, or additions thereto; and maps of the location of any such extensions or additions to such pipe lines shall be prepared by the company and submitted to the Secretary of Agriculture, in accordance with his directions with reference thereto, for his approval, and the right-of-way as to the same shall take effect from his approval thereof only. (Mar. 4, 1915, sec. 2, 38 Stat. 1195.)

**1928.** Same; conformity with national-forest regulations.—That the company shall conform to all and singular the regulations adopted or prescribed by the Secretary of Agriculture governing such national forest, or the use or users thereof, and shall not take, cut, or destroy any timber within the same except such as it may be actually necessary to remove to construct its said pipe lines and the structures pertaining thereto, and it shall pay to the proper officer of the Forest Service the full value of all timber and wood cut, used, or destroyed by it within the said national forest. (Mar. 4, 1915, sec. 3, 38 Stat. 1195.)

**1929.** Same; rights protected.—That no private right, title, or interest owned by any person, persons, or corporation in such national forest shall be interfered with or abridged except with the consent of the owner or owners or by due process of law and just compensation to said owner or owners; nor shall the privileges herein granted be construed to interfere with the control of water for any purpose

under the laws of the United States or of the State of New Mexico. (Mar. 4, 1915, sec. 4, 38 Stat. 1195.)

**1930.** Same; rights granted subject to national forest laws and regulations.—That the enjoyment of the rights hereby granted shall be subject at all times to all laws relating to the national forests and to all rules and regulations authorized and established thereunder. For infraction of such laws, rules, or regulations the owner or user of such right-of-way shall be subject to all fines and penalties imposed thereby, and shall also be liable in a civil action for all damages that may accrue from such breach, and if such infractions are continuous and willful, or if there is continued failure on the part of such company to pay any amount due the forest service from said company, for a period of sixty days after notice of the continuance of such infraction or of the amount so due, the rights herein granted shall be and become forfeitable in accordance with law. (Mar. 4, 1915, sec. 5, 38 Stat. 1195.)

**1931.** Same; grantee to maintain water supply for grazing animals.—That the company shall continue to maintain the present watering troughs and supply water as at present for the use of animals lawfully grazing upon such national forest or at such other place along such pipe line, in lieu thereof, as the officer in charge of such national forest shall from time to time direct. (Mar. 4, 1915, sec. 6, 38 Stat. 1196.)

**1932.** Same; limitation to time of construction and use.—That all right-of-way hereunder for such pipe line not constructed and in use within three years from the date hereof shall cease and determine at the expiration of such period. (Mar. 4, 1915, sec. 7, 38 Stat. 1196.)

**1933.** Same; construction of act.—That this Act shall not be construed as a recognition of any claim of the El Paso and Rock Island Railway Company, or concerning water rights in the Hondo River or its tributaries, or of any claim of right to divert water from the watersheds of said streams, or as a waiver of any stipulation heretofore agreed to by the said company for use in the litigation concerning water rights pending in the United States district court for the district of New Mexico in which the United States and the said company are parties. (Mar. 4, 1915, sec. 8, 38 Stat. 1196.)

**1934.** Forfeiture of rights where road not constructed in 5 years after location.—That each and every grant of right-of-way and station grounds heretofore made to any railroad corporation under the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right-of-way through the public lands of the United States" [43 U. S. C., secs. 934-939], where such railroad has not been constructed and the period of five years next following the location of said road, or any section thereof, has now expired, shall be, and hereby is, declared forfeited to the United States, to the extent of any portion of such located line now remaining unconstructed, and the United States hereby resumes the full title to the lands covered thereby free and discharged from such easement, and the forfeiture hereby declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land heretofore conveyed by the United States subject to any such grant of right-of-way or station grounds: *Provided*, That no right-of-way on which construction is

progressing in good faith at the time of the passage of this Act shall be in any wise affected, validated, or invalidated by the provisions of this Act. (June 26, 1906, 34 Stat. 482; Feb. 25, 1909, 35 Stat. 647; 43 U. S. C., sec. 940.)

1935. Railroad stations on rights-of-way granted.—All railroad companies operating railroads through the Territories of the United States over a right-of-way obtained under any grant or Act of Congress giving to said railroad companies the right-of-way over the public lands of the United States shall be required to establish and maintain passenger stations and freight depots at or within one-fourth of a mile of the boundary limits of all town sites established prior to August 8, 1894, in said Territories on the line of said railroads by authority of the Interior Department. (Aug. 8, 1894, sec. 1, 28 Stat. 263; 43 U. S. C., sec. 941.)

1936. Time for establishment of stations.—Railroad companies mentioned in the preceding section are hereby required within three months after August 8, 1894, to establish at or within one-fourth of a mile of the boundary limits of all town sites provided for in the preceding section, passenger stations, freight depots, and other accommodations necessary for receiving and discharging passengers and freight at such points; and upon failure of said companies to establish such stations and depots within said time said companies shall be liable to a fine of \$500 for each day thereafter until said stations and depots shall be established, which shall be recovered in a suit brought by the United States in the United States courts in any Territory through which said railroads may pass. (Aug. 8, 1894, sec. 2, 28 Stat. 263; 43 U. S. C., sec. 942.)

1937. Right-of-way to canal and ditch companies for irrigation purposes.—The right-of-way through the public lands and reservations of the United States is hereby granted to any canal ditch company, irrigation or drainage district formed for the purpose of irrigation or drainage, and duly organized under the laws of any State or Territory, and which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation or, if not a private corporation, a copy of the law under which the same is formed and due proof of its organization under the same, to the extent of the ground occupied by the water of any reservoir and of any canals and laterals and fifty feet on each side of the marginal limits thereof, and, upon presentation of satisfactory showing by the applicant, such additional right-of-way as the Secretary of the Interior may deem necessary for the proper operation and maintenance of said reservoirs, canals, and laterals; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right-of-way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories. (Mar. 3, 1891, sec. 18, 26 Stat. 1101; Mar. 4, 1917, sec. 1, 39 Stat. 1197; May 28 1926, 44 Stat. 668; 43 U. S. C., sec. 946.)

**1938. Map; damages to settlers.**—That any canal or ditch company desiring to secure the benefits of this act [43 U. S. C., secs. 946–949] shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights-of-way shall pass shall be disposed of subject to such right-of-way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler or the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage. (Mar. 3, 1891, sec. 19, 26 Stat. 1102; 43 U. S. C., sec. 947.)

**1939. Application to existing and future canals.**—That the provisions of this act [43 U. S. C., secs. 946–949] shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals, to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act [43 U. S. C., secs. 946–949] from the date of their finding, as though filed under it: *Provided*, That if any section of said canal, or ditch, shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture. (Mar. 3, 1891, sec. 20, 26 Stat. 1102; 43 U. S. C., sec. 948.)

**1940. Use for canal or ditch only.**—That nothing in this act [43 U. S. C., secs. 946–949] shall authorize such canal or ditch company to occupy such right-of-way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch. (Mar. 3, 1891, sec. 21, 26 Stat. 1102; 43 U. S. C., sec. 949.)

**1940a. Additional rights-of-way to canal and ditch companies; national forest lands excepted.**—That in addition to the rights-of-way granted by sections 18, 19, 20, and 21 of the Act of Congress entitled "An Act to repeal timber-culture laws, and for other purposes", approved March 3, 1891 (Twenty-sixth Statutes, page 1095), as amended by the Act of Congress entitled "An Act to amend the Irrigation Act of March 3, 1891 (Twenty-sixth Statutes, page 1095, section 18), and to amend section 2 of the Act of May 11, 1898 (Thirty-ninth Statutes, page 404)", approved March 4, 1917 (Thirty-ninth Statutes, page 1197) [43 U. S. C., secs. 946–949], and subject to the conditions and restrictions therein contained, the Secre-

tary of the Interior is authorized to grant permits or easements for not to exceed five acres of ground adjoining the right-of-way at each of the locations, to be determined by the Secretary of the Interior, to be used for the erection thereon of dwellings or other buildings or corrals for the convenience of those engaged in the care and management of the works provided for by said Acts: *Provided*, That this Act shall not apply to lands within national forests. (Mar. 1, 1921, 41 Stat. 1194; 43 U. S. C., sec. 950.)

**1941. Rights-of-way for water transportation, domestic purposes, or development of power.**—That rights-of-way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections eighteen, nineteen, twenty, and twenty-one of the Act entitled "An Act to repeal timber-culture laws, and for other purposes", approved March third, eighteen hundred and ninety-one [43 U. S. C., secs. 946–949], may be used for purposes of a public nature; and said rights-of-way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation or drainage. (May 11, 1898, sec. 2, 30 Stat. 404; Mar. 4, 1917, sec. 2, 39 Stat. 1197; 43 U. S. C., sec. 951.)

**1942. Reservoir sites for water for livestock.**—Any person, livestock company, or transportation corporation engaged in breeding, grazing, driving, or transporting livestock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such livestock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding one hundred and sixty acres, so long as such reservoir is maintained and water kept therein for such purposes: *Provided*, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

The Secretary of the Interior, in his discretion, under such rules, regulations, and conditions as he may prescribe, upon application by such person, company, or corporation, may grant permission to fence such reservoirs in order to protect livestock, to conserve water, and to preserve its quality and conditions: *Provided*, That such reservoir shall be open to the free use of any person desiring to water animals of any kind; but any fence, erected under the authority thereof, shall be immediately removed on the order of the Secretary. (Jan. 13, 1897, sec. 1, 29 Stat. 484; Mar. 3, 1923, 42 Stat. 1437; 43 U. S. C., sec. 952.)

**1943. Declaratory statement.**—Any person, livestock company, or corporation desiring to avail themselves of the provisions of this Act [43 U. S. C., secs. 952 to 955] shall file a declaratory statement in the United States land office in the district where the land is situated, which statement shall describe the land where such reservoir is to be or has been constructed; shall state what business such corporation is engaged in; specify the capacity of the reservoir in gallons, and whether such company, person, or corporation has filed upon other reservoir sites within the same county; and if so, how many. (Jan. 13, 1897, sec. 2, 29 Stat. 484; 43 U. S. C., sec. 953.)

**1944. Survey; map.**—At any time after the completion of such reservoir or reservoirs, which shall be constructed and completed within two years after filing such declaratory statement, such person,

company, or corporation shall have the same accurately surveyed, as hereinafter provided, and shall file in the United States land office in the district in which such reservoir is located a map or plat showing the location of such reservoir, which map or plat shall be transmitted by the register of said United States land office to the Secretary of the Interior and approved by him, and thereafter such land shall be reserved from sale by the Secretary of the Interior so long as such reservoir is kept in repair and water kept therein. (Jan. 13, 1897, sec. 3, 29 Stat. 484; Mar. 3, 1925, 43 Stat. 1145; 43 U. S. C., sec. 954.)

**1945. Amendment or repeal.**—Congress may at any time amend, alter, or repeal this Act [43 U. S. C., secs. 952 to 955]. (Jan. 13, 1897, sec. 4, 29 Stat. 484; 43 U. S. C., sec. 955.)

**1945a. Right-of-way for tramroads, canals, or reservoirs.**—That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of the right-of-way through the public lands of the United States, not within the limits of any national forest, park, military or Indian reservation, for tramroads, canals, or reservoirs to the extent of the ground occupied by the water of the canals and reservoirs and fifty feet on each side of the marginal limits thereof, or fifty feet on each side of the center line of the tramroad, by any citizen or any association of citizens of the United States engaged in the business of mining or quarrying or of cutting timber and manufacturing lumber or for the purposes of furnishing water for domestic, public, and other beneficial uses. (Jan. 21, 1895, 28 Stat. 635; May 11, 1898, § 1, 30 Stat. 404; Mar. 4, 1907, 34 Stat. 1269, 43 U. S. C., sec. 956.)

**1946. Right-of-way to electric-power companies.**—That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right-of-way to the extent of twenty-five feet, together with the use of necessary ground, not exceeding forty acres, upon the public lands and national forests of the United States, by any citizen or association of citizens of the United States, for the purposes of generating, manufacturing, or distributing electric power. (Jan. 21, 1895, 28 Stat. 635; May 14, 1896, 29 Stat. 120; 43 U. S. C., sec. 957.)

**1947. Right-of-way in Colorado and Wyoming to pipe-line companies.**—The right-of-way through the public lands of the United States situate in the State of Colorado and in the State of Wyoming outside of the boundary lines of the Yellowstone National Park is granted to any pipe-line company or corporation formed for the purpose of transporting oils, crude or refined, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by said pipe line and twenty-five feet on each side of the center line of the same; also the right to take from the public lands adjacent to the line of said pipe line material, earth, and stone necessary for the construction of said pipe line. (May 21, 1896, sec. 1, 29 Stat. 127; 43 U. S. C., sec. 962.)

**1948. Applications for right-of-way.**—Any company or corporation desiring to secure the benefits of this Act [43 U. S. C., secs. 962-965] shall, within twelve months after the location of ten miles of the pipe line, if the same be upon surveyed lands and if the same be upon unsurveyed lands, within twelve months after the survey

thereof by the United States, file with the register of the land office for the district where such land is located a map of its line, and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such right-of-way shall pass shall be disposed of subject to such right-of-way. (May 21, 1896, sec. 2, 29 Stat. 127; 43 U. S. C., sec. 963.)

**1949. Limit of time for completion; forfeiture.**—If any section of said pipe line shall not be completed within five years after the location of said section, the right herein granted shall be forfeited, as to any incomplete section of said pipe line, to the extent that the same is not completed at the date of the forfeiture. (May 21, 1896, sec. 3, 29 Stat. 127; 43 U. S. C., sec. 964.)

**1950. Restriction on use.**—Nothing in this Act [43 U. S. C., secs. 962 to 965] shall authorize the use of such right-of-way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care. (May 21, 1896, sec. 4, 29 Stat. 127; 43 U. S. C., sec. 965.)

**1951. Right-of-way in Arkansas to pipe-line companies.**—A right-of-way through the public lands of the United States in the State of Arkansas is granted for pipe-line purposes to any citizen of the United States or any company or corporation authorized by its charter to transport oil, crude or refined, or natural gas which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proof of organization under the same, to the extent of the ground occupied by the said pipe line and ten feet on each side of the center line of same. (Apr. 12, 1910, sec. 1, 36 Stat. 296; 43 U. S. C., sec. 966.)

**1952. Applications for right-of-way.**—Any citizen of the United States, company, or corporation desiring to secure the benefits of this Act [sections 966 to 970] shall within twelve months after the location of ten miles of the pipe line, if the same be upon surveyed land, and if the same be upon unsurveyed lands within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its lines, and upon the approval thereof by the Secretary of the Interior, the same shall be noted upon the plats in said office, and thereafter all such land over which such line shall pass shall be disposed of subject to such right-of-way. (Apr. 12, 1910, sec. 2, 36 Stat. 296; 43 U. S. C., sec. 967.)

**1953. Restriction on use.**—Nothing in this Act [sections 966 to 970] shall authorize the use of such right-of-way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care. (Apr. 12, 1910, sec. 3, 36 Stat. 296; 43 U. S. C., sec. 968.)

**1954. Forfeiture for nonuser, etc.**—If any section of said pipe line shall not be completed within one year after the approval by the Secretary of the Interior of said section, or if any section of said pipe line shall be abandoned or shall not be used for a period of two years, the right-of-way granted in this Act [sections 966 to 970] as to any uncompleted, abandoned, or unused section of said pipe line shall be forfeited to the extent that the same is not completed or is abandoned or unused at the date of the forfeiture, without

further action or declaration on the part of the Government or any proceedings or judgment of any court. (Apr. 12, 1910, sec. 4, 36 Stat. 296; 43 U. S. C., sec. 969.)

**1955. Forfeiture for violation of antitrust law.**—If any citizen, company, or corporation taking advantage of the benefits of this Act [sections 966 to 970] shall violate the Act of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies" (commonly known as the "Sherman Anti-Trust Act" [15 U. S. C., secs. 1-7]), or any amendment thereof, the right-of-way granted shall be forfeited without further action or declaration on the part of the Government or any proceedings or judgment of any court. (Apr. 12, 1910, sec. 5, 36 Stat. 296; 43 U. S. C., sec. 970.)

**1956. Bathhouses, hotels, etc., adjacent to mineral, medicinal, etc., springs on public lands.**—The Secretary of the Interior, upon such terms and under such regulations as he may deem proper, may permit responsible persons or associations to use and occupy, for the erection of bathhouses, hotels, or other improvements for the accommodation of the public, suitable spaces or tracts of land near or adjacent to mineral, medicinal, or other springs which are located upon unreserved public lands or public lands which have been withdrawn for the protection of such springs: *Provided*, That permits or leases hereunder shall be for periods not exceeding twenty years. (Mar. 3, 1925, 43 Stat. 1133; 43 U. S. C., sec. 971.)

#### **UNLAWFUL INCLOSURES OR OCCUPANCY; OBSTRUCTING SETTLEMENT OR TRANSIT**

**1957. Inclosure of or assertion of right to public lands without title.**—That all inclosures of any public lands in any State or Territory of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to any of which land included within the inclosure the person, party, association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is hereby forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State or any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and hereby prohibited. (Feb. 25, 1885, sec. 1, 23 Stat. 321; 43 U. S. C., sec. 1061.)

**1958. Suits for violations of law.**—That it shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section one of this act [43 U. S. C., sec. 1061] is being violated showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by Governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as nearly as may be, and by de-

scription, if the name cannot on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also hereby conferred on any United States district court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this act; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court. (Feb. 25, 1885, sec. 2, 23 Stat. 321; Mar. 3, 1911, sec. 291, 36 Stat. 1167; 43 U. S. C., sec. 1062.)

**1959. Obstruction of settlement on or transit over public lands.**—That no person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands: *Provided*, This section shall not be held to affect the right or title of persons, who have gone upon, improved or occupied said lands under the land laws of the United States, claiming title thereto, in good faith. (Feb. 25, 1885, sec. 3, 23 Stat. 322; 43 U. S. C., sec. 1063.)

**1960. Violations of act; punishment.**—That any person violating any of the provisions hereof, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding one thousand dollars or be imprisoned not exceeding one year, or both, for each offense. (Feb. 25, 1885, sec. 4, 23 Stat. 322; Mar. 10, 1908, 35 Stat. 40; 43 U. S. C., sec. 1064.)

**1961. Removal of enclosures.**—That the President is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of said lands, and to employ civil or military force as may be necessary for that purpose. (Feb. 25, 1885, sec. 5, 23 Stat. 322; 43 U. S. C., sec. 1065.)

**1962. Permission of Secretary to sue.**—That where the alleged unlawful inclosure includes less than one hundred and sixty acres of land, no suit shall be brought under the provisions of this act without authority from the Secretary of the Interior. (Feb. 25, 1885, sec. 6, 23 Stat. 322; 43 U. S. C., sec. 1066.)

## PUBLIC PRINTING AND DOCUMENTS

## GOVERNMENT PRINTING OFFICE

**1963.** Detail of employees of Government Printing Office to executive departments.—Hereafter no employee of the Government Printing Office shall be detailed to duties not pertaining to the work of public printing and binding in any executive department or other Government establishment unless expressly authorized by law. (June 25, 1910, sec. 1, 36 Stat. 770; 44 U. S. C., sec. 47.)

**1964.** Sale of duplicate plates; copyright.—The Public Printer shall sell, under such regulations as the Joint Committee on Printing may prescribe, to any person or persons who may apply additional or duplicate stereotype or electrotype plates from which any Government publication is printed, at a price not to exceed the cost of composition, the metal and making to the Government and ten per centum added: *Provided*, That the full amount of the price shall be paid when the order is filed: *And provided further*, That no publication reprinted from such stereotype or electrotype plates and no other Government publication shall be copyrighted. (Jan. 12, 1895, sec. 52, 28 Stat. 608; 44 U. S. C., sec. 58.)

**1965.** Machinery, material, equipment, or supplies from other departments.—That any officer of the Government having machinery, material, equipment, or supplies for printing, binding, and blank-book work, including lithography, photo-lithography, and other processes of reproduction, which are no longer required or authorized for his service, shall submit a detailed report of the same to the Public Printer, and the Public Printer is hereby authorized, with the approval of the Joint Committee on Printing, to requisition such articles of the character herein described as are serviceable in the Government Printing Office, and the same shall be promptly delivered to that office. (July 19, 1919, sec. 3, 41 Stat. 233; 44 U. S. C., sec. 59.)

**1966.** Consolidation of department printing offices.—All printing offices in the Departments now in operation, or hereafter put in operation, by law, shall be considered a part of the Government Printing Office, and shall be under the control of the Public Printer, who shall furnish all presses, types, imposing stones, and necessary machinery and material for said offices from the general supplies of the Government Printing Office; and all paper and material of every kind used in the said offices for departmental work, except letter and note paper and envelopes, shall be supplied by the Public Printer; and all persons employed in said printing offices and binderies shall be appointed by the Public Printer, and be carried on his pay roll the same as employees in the main office, and shall be responsible to him: *Provided*, That the terms of this Act shall not apply to the office in the Weather Bureau; but the Public Printer, with the approval of the Joint Committee on Printing, may abolish such excepted office whenever in their judgment the economy of the public service would be thereby advanced.

All work done in the said offices shall be ordered on blanks prepared for that purpose by the Public Printer, which shall be numbered consecutively, and must be signed by someone designated by the head of the Department for which the work is to be done, who shall be

held responsible for all work thus ordered, and who shall quarterly report to the head of the Department a classified statement of the work done and the cost thereof, which report shall be transmitted to the Public Printer in time for his annual report to Congress. The Public Printer shall show in detail, in his annual report, the cost of operating each departmental office. (Jan. 12, 1895, sec. 31, 28 Stat. 605; Mar. 6, 1902, sec. 11, 32 Stat. 53; Apr. 23, 1904, 33 Stat. 262; Mar. 2, 1907, 34 Stat. 1158; Mar. 3, 1917, sec. 1, 39 Stat. 1083; 44 U. S. C., sec. 60.)

**1967. Branches of Printing Office in executive departments.**—No money appropriated by this or any other Act shall be used for maintaining more than one branch of the Government Printing Office in any one building occupied by any executive department or departments of the Government, nor shall any branch of the Government Printing Office be established hereafter unless specifically authorized by law. (Aug. 1, 1914, sec. 1, 38 Stat. 673; 44 U. S. C., sec. 61.)

#### SUPERINTENDENT OF DOCUMENTS

**1968. Superintendent of Documents; sale of documents.**—The Public Printer shall appoint a competent person to act as superintendent of documents, and shall fix his salary. The superintendent of documents so designated and appointed is hereby authorized to sell at cost any public document in his charge, the distribution of which is not herein specifically directed, said cost to be estimated by the Public Printer and based upon printing from stereotyped plates; but only one copy of any document shall be sold to the same person, excepting libraries or schools by which additional copies are desired for separate departments thereof, and members of Congress; and whenever any officer of the Government having in his charge documents published for sale shall desire to be relieved of the same, he is hereby authorized to turn them over to the superintendent of documents, who shall receive and sell them under the provisions of this section. All moneys received from the sale of documents shall be returned to the Public Printer on the first day of each month and be by him covered into the Treasury monthly, and the superintendent of documents shall report annually the number of copies of each and every document sold by him, and the price of the same. He shall also report monthly to the Public Printer the number of documents received by him and the disposition made of the same. He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the Executive Departments, which shall be delivered to said Departments, and those printed for the use of the two Houses of Congress, which shall be delivered to the folding rooms of said Houses and distributed or delivered ready for distribution to Members and Delegates upon their order by the superintendents of the folding rooms of the Senate and House of Representatives. (Jan. 12, 1895, sec. 61, 28 Stat. 610; 44 U. S. C., sec. 71.)

**1969. Index of documents; number and distribution.**—The superintendent of documents shall, at the close of each regular session of Congress, prepare and publish a comprehensive index of public docu-

ments, beginning with the Fifty-third Congress, upon such plan as shall be approved by the Joint Committee on Printing; and the Public Printer shall, immediately upon its publication, deliver to him a copy of each and every document printed by the Government Printing Office; and the head of each of the Executive Departments, bureaus, and offices of the Government shall deliver to him a copy of each and every document issued or published by such Department, bureau, or office not confidential in its character. He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index such single volumes of documents as the Joint Committee on Printing shall direct. Of the comprehensive index and of the consolidated index two thousand copies each shall be printed and bound in addition to the usual number, two hundred copies for the use of the Senate, eight hundred copies for the use of the House, and one thousand copies for distribution by the superintendent of documents. (Jan. 12, 1895, sec. 62, 28 Stat. 610; 44 U. S. C., sec. 76.)

**1970. Catalogue of Government publications.**—A catalogue of Government publications shall be prepared by the superintendent of documents on the first day of each month, which shall show the documents printed during the preceding month, where obtainable, and the price thereof. Two thousand copies of such catalog shall be printed in pamphlet form for distribution. (Jan. 12, 1895, sec. 69, 28 Stat. 612; 44 U. S. C., sec. 77.)

**1971. Documents in charge of departments to be turned over to Superintendent of Documents.**—All documents at present remaining in charge of the several Executive Departments, bureaus, and offices of the Government not required for official use shall be delivered to the superintendent of documents, and hereafter all public documents accumulating in said Departments, bureaus, and offices not needed for official use shall be annually turned over to the superintendent of documents for distribution or sale. (Jan. 12, 1895, sec. 67, 28 Stat. 611; 44 U. S. C., sec. 78.)

**1972. Reprinting documents required for sale.**—The superintendent of documents is hereby authorized to order reprinted, from time to time, such public documents as may be required for sale, such order for reprinting to be subject to the approval of the Secretary or head of the Department in which such public document shall have originated: *Provided*, That the appropriation for printing and binding shall be reimbursed for the cost of such reprints from the moneys received by the superintendent of documents from the sale of public documents. (Mar. 28, 1904, 33 Stat. 584; 44 U. S. C., sec. 79.)

**1973. Libraries of executive departments constituted depositories.**—The libraries of the executive Departments, of the United States Military Academy, and the United States Naval Academy are hereby constituted designated depositories of Government publications, and the superintendent of documents shall supply one copy of said publications, in the same form as supplied to other depositories, to each of said libraries. (Jan. 12, 1895, sec. 98, 28 Stat. 624; 44 U. S. C., sec. 87.)

**1973a. Documents and reports for foreign legations.**—Documents and reports may be furnished to foreign legations to the United States upon request specifying those desired and requisition made upon the Public Printer by the Secretary of State: *Provided*, That such

gratuitous distribution shall only be made to legations whose Governments furnish to legations from the United States copies of their printed and legislative documents desired. (Jan. 12, 1895, sec. 75, 28 Stat. 620; 44 U. S. C., sec. 91.)

**1974. Ownership of publications furnished officers for official use; free use in depositories.**—Government publications furnished to judicial and executive officers of the United States for their official use shall not become the property of these officers, but on the expiration of their official term shall be by them delivered to their successors in office and all Government publications delivered to designated depositories or other libraries shall be for public use without charge. (Jan. 12, 1895, sec. 74, 28 Stat. 620; 44 U. S. C., sec. 92.)

**1975. Exchange of documents.**—Heads of Departments are authorized to exchange surplus documents for such other documents and books as may be required by them, when the same can be done to the advantage of the public service. (Jan. 12, 1895, sec. 95, 28 Stat. 623; 44 U. S. C., sec. 93.)

**1976. Distribution of publications; mailing lists.**—That no money appropriated by this or any other Act shall be used after the first day of October, nineteen hundred and twelve, for services in any executive department or other Government establishment at Washington, District of Columbia, in the work of addressing, wrapping, mailing, or otherwise dispatching any publication for public distribution, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, District of Columbia, or for the purchase of material or supplies to be used in such work; and on and after October first, nineteen hundred and twelve, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Each head of such executive department and other Government establishment at Washington, District of Columbia, shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the public distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publications: *Provided*, That nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information, printed for and issued by any of the executive departments or other Government establishments or to the distribution of public documents by Senators or Members of the House of Representatives or to the folding rooms and document rooms of the Senate or House of Representatives. (Jan. 12, 1895, sec. 92, 28 Stat. 623; Aug. 23, 1912, sec. 8, 37 Stat. 414; 44 U. S. C., sec. 95.)

**1977. Departmental distribution of documents.**—Government publications printed for or received by the Executive Departments, whether for official use or for distribution, shall be distributed by a competent person detailed to such duty in each Department by the head thereof. He shall keep an account in detail of all publications received and distributed by him. He shall prevent duplication, and make detailed report to the head of the Department. (Jan. 12, 1895, sec. 92, 28 Stat. 623; May 29, 1928, 45 Stat. 986; 44 U. S. C., sec. 96.)

## PRINTING AND BINDING GENERALLY

**1978.** Government printing to be done at Printing Office.—All printing, binding, and blank book work for the Senate or House of Representatives and for the Executive and Judicial Departments shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of any field of service outside of said District. (Jan. 12, 1895, sec. 87, 28 Stat. 622; Mar. 1, 1919, 40 Stat. 1270; 44 U. S. C., sec. 111.)

**1979.** Same; exception.—That hereafter such printing, binding, and blank-book work authorized by law, as the Public Printer is not able or equipped to do at the Government Printing Office, may be produced elsewhere under contracts made by him with the approval of the Joint Committee on Printing. (Feb. 28, 1929, sec. 1, 45 Stat. 1400; 44 U. S. C., sec. 111a.)

**1980.** Illustrations and maps in documents and reports; orders for printing acted on within 1 year.—No document or report to be illustrated or accompanied by maps shall be printed by the Public Printer until the illustrations or maps designed therefor shall be ready for publication; and no order for public printing shall be acted upon by the Public Printer after the expiration of one year, unless the entire copy and illustrations for the work shall have been furnished within that period. (Jan. 12, 1895, sec. 80, 28 Stat. 621; 44 U. S. C., sec. 115.)

**1981.** No printing or binding unless authorized; style of binding.—No printing or binding shall be done at the Government Printing Office unless authorized by law. Binding for the Departments of the Government shall be done in plain sheep or cloth, except that record and account books may be bound in Russia leather, sheep fleschers, and skivers, when authorized by the head of a Department: *Provided*, The libraries of the several Departments, the Library of Congress, the libraries of the Surgeon General's Office, the Patent Office, and the Naval Observatory may have books for the exclusive use of said libraries bound in half Turkey, or material no more expensive. (Jan. 12, 1895, sec. 85, 28 Stat. 622; 44 U. S. C., sec. 116.)

**1982.** Certificate of necessity; estimate of cost.—When any Department, the Supreme Court, the Court of Claims, or the Library of Congress shall require printing or binding to be done, it shall be on certificate that such work be necessary for the public service; whereupon the Public Printer shall furnish an estimate of the cost by the principal items for such printing or binding so called for, after which requisitions shall be made upon him therefor by the head of such Department, the Clerk of the Supreme Court, Chief Justice of the Court of Claims, or the Librarian of Congress; and the Public Printer shall place the cost thereof to the debit of such Department in its annual appropriation for printing and binding. (Jan. 12, 1895, sec. 93, 28 Stat. 623; 44 U. S. C., sec. 117.)

**1983.** Restrictions on use of appropriations for printing and binding for illustrations.—That hereafter no part of the appropriations made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Con-

gress unless the order to print expressly authorizes the same, nor in any document or report of any executive department or other Government establishment until the head of the executive department or Government establishment shall certify in a letter transmitting such report that the illustration is necessary and relates entirely to the transaction of public business. (Mar. 3, 1905, sec. 1, 33 Stat. 1213; 44 U. S. C., sec. 118.)

#### CONGRESSIONAL PRINTING IN GENERAL

**1984. Printing of document not provided for by law.**—Either House may order the printing of a document not already provided for by existing law, but only when the same shall be accompanied by an estimate from the Public Printer as to the probable cost thereof. Any Executive Department, bureau, board, or independent office of the Government submitting reports or documents in response to inquiries from Congress shall submit therewith an estimate of the probable cost of printing to the usual number. Nothing in this paragraph relating to estimates shall apply to reports or documents not exceeding fifty pages. (Jan. 12, 1895, sec. 2, 28 Stat. 601; Mar. 1, 1907, sec. 1, 34 Stat. 1013; 44 U. S. C., sec. 140.)

**1985. Congressional Directory.**—There shall be prepared under the direction of the Joint Committee on Printing a Congressional Directory, of which there shall be three editions during each long session and two editions during each short session of Congress. The first edition shall be distributed to Senators, Representatives, Delegates, the principal officers of Congress, and heads of Departments on the first day of the session, and shall be ready for distribution to others within one week thereafter. The number and distribution of such Directory shall be under the control of the Joint Committee on Printing. (Jan. 12, 1895, sec. 73, 28 Stat. 617; 44 U. S. C., sec. 149.)

#### CONGRESSIONAL RECORD, BILLS, AND LAWS

**1986. Congressional Record; number of copies to departments.**—The Public Printer shall furnish the Congressional Record as follows and shall furnish gratuitously no others in addition thereto: \* \* \* To the library of each of the Executive Departments, \* \* \* one bound copy. \* \* \* (Feb. 12, 1895, sec. 73, 28 Stat. 617; 44 U. S. C., sec. 183.)

**1987. Pamphlet copies of Statutes.**—The Secretary of State shall cause to be edited, printed, published, and distributed pamphlet copies of the statutes of the present and each future session of Congress to the officers and persons hereinafter provided for; said distribution shall be made at the close of every session of Congress, as follows: \* \* \* to the Department of Agriculture, fifty copies; \* \* \*. (Jan. 12, 1895, sec. 73, 28 Stat. 614; 44 U. S. C., sec. 195.)

**1988. Statutes at Large.**—After the close of each Congress the Secretary of State shall have edited, printed, and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows: \* \* \* to the Department of Agriculture, fifty copies; \* \* \*. (Jan. 12, 1895, sec. 73, 28 Stat. 615; 44 U. S. C., sec. 196.)

**EXECUTIVE AND DEPARTMENTAL PRINTING IN GENERAL**

**1989.** Appropriations for printing not to be exceeded; limitation on number of reports; bureau reports.—No printing shall be done for the Executive Departments in any fiscal year in excess of the amount of the appropriation, and none shall be done without a special requisition, signed by the chief of the Department and filed with the Public Printer. Of the annual report of the head of the Department without appendices there may be printed in any one fiscal year not to exceed five thousand copies, bound in pamphlet form; and of the reports of chiefs of bureaus without appendices there may be printed in any one fiscal year not to exceed two thousand five hundred copies, bound in pamphlet form. Heads of Executive Departments shall direct whether reports made to them by bureau chiefs and chiefs of divisions shall be printed or not. (Jan. 12, 1895, sec. 89, 28 Stat. 622; Mar. 3, 1925, sec. 4, 43 Stat. 1106; 44 U. S. C., sec. 213.)

**1990.** Number of copies to be printed of monthly crop report and other reports and bulletins.—The Secretary of Agriculture may print such number of copies of the monthly crop report, and of other reports and bulletins containing not to exceed one hundred octavo pages, as he shall deem requisite; and this provision shall apply to the maps, charts, bulletins, and minor reports of the Weather Bureau, which shall be printed in such numbers as the Secretary of Agriculture may deem for the best interests of the Government. (Jan. 12, 1895, sec. 89, 28 Stat. 622; 44 U. S. C., sec. 213.)

**1991.** Appropriations to which cost of printing and binding to be charged.—That hereafter, in the printing and binding of documents or reports emanating from the Executive Departments, bureaus, and independent offices of the Government, the cost of which is now charged to the allotment for printing and binding for Congress, or to appropriations or allotments of appropriations other than those made to the Executive Departments, bureaus, or independent offices of the Government, the cost of illustrations, composition, stereotyping, and other work involved in the actual preparation for printing, apart from the creation of manuscript, shall be charged to the appropriation or allotment of appropriation for the printing and binding of the Department, bureau, or independent office of the Government in which such documents or reports originate; the balance of cost shall be charged to the allotment for printing and binding for Congress, and to the appropriation or allotment of appropriation of the Executive Department, bureau, or independent office of the Government, in proportion to the number delivered to each; the cost of any copies of such documents or reports distributed otherwise than through Congress, or the Executive Departments, bureaus, and independent offices of the Government, if such there be, shall be charged as heretofore: *Provided*, That on or before the first day of December in each fiscal year each Executive Department, bureau, or independent office of the Government to which an appropriation or allotment of appropriation for printing and binding is made, shall obtain from the Public Printer an estimate of the probable cost of all publications of such Department, bureau, or independent office now required by law to be printed, and so much thereof as would, under the terms of this resolution, be charged to the appropriation or allotment of

appropriation of the Department, bureau, or independent office of the Government in which such publications originate, shall thereupon be set aside to be applied only to the printing and binding of such documents and reports, and shall not be available for any other purpose until all of such allotment of cost on account of such documents and reports shall have been fully paid. (Mar. 30, 1906, 34 Stat. 825; 44 U. S. C., sec. 214.)

**1992. Departments to order publications required; limit; bills and resolutions.**—The heads of Executive Departments, and such executive officers as are not connected with the Departments, respectively, shall cause daily examination of the Congressional Record for the purpose of noting documents, reports, and other publications of interest to their Departments, and shall cause an immediate order to be sent to the Public Printer for the number of copies of such publications required for official use, not to exceed, however, the number of bureaus in the Department and divisions in the office of the head thereof. The Public Printer shall send to each Executive Department and to each executive office not connected with the Departments, as soon as printed, five copies of all bills and resolutions, except the State Department, to which shall be sent ten copies of bills and resolutions. When the head of a Department desires a greater number of any class of bills or resolutions for official use, they shall be furnished by the Public Printer on requisition promptly made. (Jan. 12, 1895, sec. 90, 28 Stat. 623; 44 U. S. C., sec. 215.)

**1993. Form and style of work for departments.**—The forms and style in which the printing or binding ordered by any of the Departments shall be executed, and the material and the size of type to be used, shall be determined by the Public Printer, having proper regard to economy, workmanship, and the purposes for which the work is needed. (Jan. 12, 1895, sec. 51, 28 Stat. 608; 44 U. S. C., sec. 216.)

**1994. Publications for department or officer.**—Whenever printing not bearing a Congressional number shall be done for any department or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character, or shall be done for use of Congressional committees, not of a confidential character, two copies shall be sent, unless withheld by order of the committee, by the Public Printer to the Senate and House Libraries, respectively, and one copy each to the document rooms of the Senate and House, for reference; and these copies shall not be removed; and of all publications of the Executive Departments not intended for their especial use, but made for distribution, as many copies as may be required shall be at once delivered to the superintendent of documents for distribution to designated depositories and State and Territorial libraries. (Jan. 12, 1895, sec. 58, 28 Stat. 610; Mar. 1, 1907, sec. 4, 34 Stat. 1014; 44 U. S. C., sec. 217.)

**1995. Inserting "compliments" forbidden.**—No report, document, or publication of any kind distributed by or from an Executive Department or bureau of the Government shall contain any notice that the same is sent with "the compliments" of an officer of the Government, or with any special notice that it is so sent, except that notice that it has been sent, with a request for an acknowledgment of its receipt may be given. (Jan. 12, 1895, sec. 73, 28 Stat. 620; 44 U. S. C., sec. 218.)

1996. **Restrictions on printing.**—No head of any Executive Department, or of any bureau, branch, or office of the Government, shall cause to be printed, nor shall the Public Printer print, any document or matter except that which is authorized by law and necessary to the public business; and executive officers, before transmitting their annual reports, shall carefully examine the same and all accompanying documents, and exclude therefrom all matter, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports are necessary and relate entirely to the transaction of the public business. Hereafter no book or document not having to do with the ordinary business transactions of the Executive Departments shall be printed on the requisition of any Executive Department or unless the same shall have been expressly authorized by Congress. (Jan. 12, 1895, sec. 94, 28 Stat. 623; Mar. 3, 1905, sec. 1, 33 Stat. 1239; 44 U. S. C., secs. 219, 219a.)

1997. **Use by executive departments, independent offices, or establishments of appropriations for printing of journals, magazines, periodicals, etc., number printed; sale to public.**—That hereafter the head of any executive department, independent office, or establishment of the Government is hereby authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary in the transaction of the public business required by law of such department, office, or establishment: *Provided*, That there may be printed, in addition to those necessary for such public business, not to exceed two thousand copies for free distribution by the department, office, or establishment issuing the same. (Mar. 3, 1905, sec. 1, 33 Stat. 1249; Mar. 1, 1919, sec. 11, 40 Stat. 1270; July 24, 1919, 41 Stat. 237; May 11, 1922, 42 Stat. 541; 44 U. S. C., sec. 220.)

1998. **Annual reports of executive officers; type.**—The annual reports of executive officers shall be printed in the same type and form as the report of the head of the Department which it accompanies, unless otherwise ordered by the Joint Committee on Printing. (Jan. 12, 1895, sec. 91, 28 Stat. 623; 44 U. S. C., sec. 222.)

1999. **Regulations for printing documents for Congress, in two or more editions; printing of full number and allotment of full quota.**—That the Joint Committee on Printing is hereby authorized and directed to establish rules and regulations, from time to time, which shall be observed by the Public Printer, whereby public documents and reports printed for Congress, or either House thereof, may be printed in two or more editions, instead of one, to meet the public requirements: *Provided*, That in no case shall the aggregate of said editions exceed the number of copies now authorized or which may hereafter be authorized: *And provided further*, That the number of copies of any public document or report now authorized to be printed or which may hereafter be authorized to be printed for any of the Executive Departments, or bureaus or branches thereof, or independent offices of the Government may be supplied in two or more editions, instead of one, upon a requisition on the Public Printer by the official head of such Department or independent office, but in no case shall the aggregate of said editions exceed the number of copies now authorized, or which may hereafter be authorized: *Provided further*, That

nothing herein shall operate to obstruct the printing of the full number of any document or report, or the allotment of the full quota to Senators and Representatives, as now authorized, or which may hereafter be authorized, when a legitimate demand for the full complement is known to exist. (Mar. 30, 1906, 34 Stat. 826; 44 U. S. C., secs. 136, 224.)

**2000. Paper and envelopes for departments, etc.**—The Public Printer is hereby authorized to procure, under direction of the Joint Committee on Printing as provided for in the Act approved January 12, 1895 [44 U. S. C., secs. 5-12], and furnish on requisition paper and envelopes (not including envelopes printed in the course of manufacture) in common use by two or more departments, establishments, or services of the Government in the District of Columbia, and reimbursement therefor shall be made to the Public Printer from appropriations or funds available for such purpose; paper and envelopes so furnished by the Public Printer shall not be procured in any other manner thereafter. (June 7, 1924, sec. 1, 43 Stat. 592; 44 U. S. C., sec. 225.)

**2001. Franks for Department of Agriculture for mailing seeds.**—That the Public Printer shall furnish to the Department of Agriculture such franks as the Secretary of Agriculture may require for sending out seeds on Congressional orders, the franks to have printed thereon the facsimile signatures of Senators, Representatives, and Delegates, also the names of their respective States or Territories, and the words "United States Department of Agriculture, Congressional Seed Distribution", or such other printed matter as the Secretary of Agriculture may direct; the franks to be of such size and style as may be prescribed by the Secretary of Agriculture; the expense of printing the said franks to be charged to the allotment for printing and binding for the two Houses of Congress. (May 19, 1902, 32 Stat. 741; 44 U. S. C., sec. 226.)

**2002. Supplies for executive departments.**—The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any Executive Department or other Government establishment, complete manifold blanks, books, and forms, required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the Department or Government establishment requiring the same. (June 28, 1902, sec. 1, 32 Stat. 481; 44 U. S. C., sec. 227.)

**2003. Publications printed elsewhere than at Government Printing Office.**—That of any publication printed at the Government expense by direction of any Department, commission, bureau, or officer of the Government elsewhere than at the Government Printing Office there shall be supplied to the Library of Congress for its own use and for international exchange one hundred and twenty-five copies. (Mar. 2, 1901, sec. 3, 31 Stat. 1465; Mar. 3, 1925, sec. 7, 43 Stat. 1106; 44 U. S. C., sec. 228.)

#### PARTICULAR REPORTS AND DOCUMENTS

**2004. Printing and binding of documents and reports; number and allotment; annual reports of Secretary of Agriculture; Bureau of Animal Industry; Weather Bureau.**—Extra copies of documents and reports shall be printed promptly when the same shall be ready for publica-

tion, and shall be bound in paper or cloth as directed by the Joint Committee on Printing, and shall be of the number following in addition to the usual number:

The Annual Report of the Secretary of Agriculture shall hereafter be submitted and printed in two parts, as follows: Part one, which shall contain purely business and executive matter which it is necessary for the Secretary to submit to the President and Congress; part two, which shall contain such reports from the different bureaus and divisions, and such papers prepared by their special agents, accompanied by suitable illustrations as shall, in the opinion of the Secretary, be specially suited to interest and instruct the farmers of the country, and to include a general report of the operations of the Department for their information. There shall be printed of part one, one thousand copies for the Senate, two thousand copies for the House, and three thousand copies for the Department of Agriculture; and of part two, one hundred and ten thousand copies for the use of the Senate, three hundred and sixty thousand copies for the use of the House of Representatives, and thirty thousand copies for the use of the Department of Agriculture, the illustrations for the same to be executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, said illustrations to be subject to the approval of the Secretary of Agriculture; and the title of each of the said parts shall be such as to show that such part is complete in itself.

Of the Report of the Bureau of Animal Industry, thirty thousand copies, of which seven thousand shall be for the Senate, fourteen thousand for the House, and nine thousand for distribution by the Agricultural Department.

Of the Annual Report of the Chief of the Weather Bureau, four thousand copies; one thousand copies for the Senate, two thousand copies for the House, and one thousand copies for the Bureau. (Jan. 12, 1895, sec. 73, 28 Stat. 612; 44 U. S. C., secs. 132, 241, 244, 296.)

**2005. Report on progress of beet-sugar industry.**—That the Secretary of Agriculture be authorized to print and distribute annually hereafter eight thousand copies of such annual reports covering the progress of the beet-sugar industry: *Provided*, That the preparation and publication of such annual reports shall be within the discretion of the Secretary of Agriculture. (June 30, 1906, 34 Stat. 839; 44 U. S. C., sec. 242.)

**2006. Coast and Geodetic Survey charts; free distribution.**—The charts published by the Coast and Geodetic Survey shall be sold at cost of paper and printing as nearly as practicable; and there shall be no free distribution of such charts except to the Departments and officers of the United States requiring them for public use. (Jan. 12, 1895, 28 Stat. 621; 44 U. S. C., sec. 246.)

**2007. Official Register; to be compiled by Civil Service Commission.**—That the United States Civil Service Commission shall cause to be compiled, edited, indexed, and published each year an Official Register of the United States, which shall contain a full and complete list of all persons occupying administrative and supervisory positions in the legislative, executive, and judicial branches of the Government, including the District of Columbia, in connection with which salaries are paid from the Treasury of the United States. The register shall show the name; official title; salary, compensation,

and emoluments; legal residence and place of employment for each person listed therein: *Provided, however,* That the Official Register shall not contain the name of any postmaster or assistant postmaster, or any officer of the Army, Navy, and Marine Corps, unless such officer is assigned as an administrative officer. (Aug. 28, 1935, sec. 1, Public, 387, 74th Cong.)

**2007a.** Same; data required to be furnished by heads of departments.—To enable the United States Civil Service Commission to compile and publish the Official Register of the United States as early as practicable after the first of June of each year, the Executive Office, the legislative and judicial branches of the Government, the Commissioners of the District of Columbia, and the head of each executive department, independent office, establishment, and commission of the Government shall, as of the 1st day of May of each year, beginning with May 1, 1936, supply to the United States Civil Service Commission the data required by this Act, upon forms approved and furnished by the Commission, in due time to permit the publication of the Official Register as herein provided; and no extra compensation shall be allowed to any officer, clerk, or employee of the United States Civil Service Commission for compiling the Official Register. (Aug. 28, 1935, sec. 2, Public, 387, 74th Cong.)

**2007b.** Same; distribution.—Of the Official Register there shall be printed, bound, and delivered to the Superintendent of Documents and charged to the Congressional allotment for printing and binding a sufficient number of copies for distribution as follows: To the President of the United States, four copies, one copy of which shall be for the library of the Executive Office; to the Vice President of the United States, two copies; to each Senator, Representative, Delegate, and Resident Commissioner in Congress, three copies; to the Secretary and the Sergeant at Arms of the Senate and to the Clerk, the Sergeant at Arms, and the Doorkeeper of the House of Representatives, each one copy; to the library of the Senate and the House, each, not to exceed fifteen copies; to the library of the Supreme Court, two copies; to the Library of Congress, for international exchange and for official use in Washington, District of Columbia, not to exceed one hundred and fifty copies; to the municipal library of the District of Columbia, two copies; and to the Commissioners of the District of Columbia, ten copies. The "usual number" shall not be printed. (Aug. 28, 1935, sec. 3, Public, 387, 74th Cong.)

**2007c.** Same; requisition.—The head of each executive department, independent office, or establishment of the Government, not mentioned above, desiring copies of the Official Register shall issue, on or before May 1 of each year, a requisition upon the Public Printer for the number of copies of the Official Register necessary to meet its official requirements, the cost of such supply to be charged to the appropriations available for printing and binding for such executive department, independent office, or establishment. (Aug. 28, 1935, sec. 4, Public, 387, 74th Cong.)

**2008.** Bureau of Soils Division reports on field operations.—There shall be printed as soon as the manuscript can be prepared with the necessary maps and illustrations to accompany it a report on each soil area surveyed by the Bureau of Chemistry and Soils, Department of Agriculture, in the form of advance sheets bound in paper covers, of which not more than two hundred and fifty copies shall be for the use of

each Senator from the State and not more than one thousand copies for the use of each Representative for the congressional district or districts in which a survey is made, the actual number to be determined on inquiry by the Secretary of Agriculture made to the aforesaid Senators and Representatives, and as many copies for the use of the Department of Agriculture as in the judgment of the Secretary of Agriculture are deemed necessary. The total congressional and department edition shall be held for two years by the Superintendent of Documents, who shall distribute the soil surveys within the above limitations according to the requests of the said Senators, Representatives, or department, and at the expiration of the two-year period the residue of the edition shall be turned over to the Department of Agriculture. (Feb. 23, 1901, 31 Stat. 1462; June 3, 1902, 32 Stat. 303; Mar. 4, 1904, 33 Stat. 583; July 7, 1932, 47 Stat. 612; 44 U. S. C., sec. 290.)

#### ADVERTISEMENTS

**2009.** Advertisements for contracts in District of Columbia.—That all executive proclamations, and all treaties required by law to be published, shall be published in only one newspaper, the same to be printed and published in the District of Columbia, and to be designated by the Secretary of State, and in no case of advertisement for contracts for the public service shall the same be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia. (July 31, 1876, 19 Stat. 105; 44 U. S. C., sec. 321.)

**2010.** Rate of payment for advertisements, notices, proposals.—That hereafter all advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise: \* \* \* but the heads of the several departments may secure lower terms at special rates whenever the public interest requires it. (June 20, 1878, sec. 1, 20 Stat. 216; 44 U. S. C., sec. 322.)

**2011.** Advertising in District of Columbia; rates of compensation.—That all advertising required by existing laws to be done in the District of Columbia by any of the departments of the government shall be given to one daily and one weekly newspaper of each of the two principal political parties and to one daily and one weekly neutral newspaper: *Provided*, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspapers selected; nor shall any advertisement be paid for unless published in accordance with section thirty-eight hundred and twenty-eight of the Revised Statutes [44 U. S. C., sec. 324]. (Jan. 21, 1881, sec. 1, 21 Stat. 317; 44 U. S. C., sec. 323.)

**2012.** No advertisement without authority.—No advertisement, notice, or proposal for any Executive Department of the Government, or for any Bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department; and no bill for any such advertising, or publication, shall

be paid, unless there be presented, with such bill, a copy of such written authority. (R. S., sec. 3828; 44 U. S. C., sec. 324.)

## RAILROADS

### CARE OF ANIMALS IN TRANSIT

**2013.** Interstate transportation of animals; confinement; unloading for rest, water, and feeding; sheep.—That no railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which cannot be anticipated or avoided by the exercise of due diligence and foresight: *Provided*, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six hours. In estimating such confinement, the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this Act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: *Provided*, That it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours. (June 29, 1906, sec. 1, 34 Stat. 607; 45 U. S. C., sec. 71.)

**2014.** Animals unloaded to be fed and watered at expense of owner.—That animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same, at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section one of this Act [45 U. S. C., sec. 71]; but nothing in this section shall be construed to prevent

the owner or shipper of animals from furnishing food therefor, if he so desires. (June 29, 1906, sec. 2, 34 Stat. 608; 45 U. S. C., sec. 72.)

**2015.** Penalty for failure to comply with law; when provisions for unloading not to apply.—That any railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars: *Provided*, That when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply. (June 29, 1906, sec. 3, 34 Stat. 608; 45 U. S. C., sec. 73.)

**2016.** Penalty recoverable by civil action; duty of district attorneys to prosecute.—That the penalty created by the preceding section shall be recovered by civil action in the name of the United States in the district court holden within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of United States attorneys to prosecute all violations of this Act reported by the Secretary of Agriculture, or which come to their notice or knowledge by other means. (June 29, 1906, sec. 4, 34 Stat. 608; Mar. 3, 1911, sec. 291, 36 Stat. 1167; 45 U. S. C., sec. 74.)

**2017.** Rules as to accommodations for export cattle.—That the Secretary of Agriculture is hereby authorized to examine all vessels which are to carry export cattle, horses, mules, asses, sheep, goats, or swine from the ports of the United States to foreign countries, and to prescribe by rules and regulations or orders the accommodations which said vessels shall provide for export cattle, horses, mules, asses, sheep, goats, or swine as to space, ventilation, fittings, food and water supply, and such other requirements as he may decide to be necessary for the safe and proper transportation and humane treatment of such animals. (Mar. 3, 1891, sec. 1, 26 Stat. 833; May 28, 1928, 45 Stat. 789; 45 U. S. C., sec. 75.)

**2018.** Violation of rules; penalty.—That whenever the owner, owners, or master of any vessel carrying export cattle, horses, mules, asses, sheep, goats, or swine shall willfully violate or cause or permit to be violated any rule, regulation, or order made pursuant to the foregoing section the vessel in respect of which such violation shall occur may be prohibited from again carrying cattle, horses, mules, asses, sheep, goats, or swine from any port of the United States for such length of time, not exceeding one year, as the Secretary of Agriculture may direct, and such vessel shall be refused clearance from any port of the United States accordingly. (Mar. 3, 1891, sec. 2, 26 Stat. 833; May 28, 1928, 45 Stat. 790; 45 U. S. C., sec. 76.)

## SHIPPING

### MERCHANT MARINE ACT, 1928

**2019.** Transportation of Government officials.—Any officer or employee of the United States traveling on official business overseas to foreign countries, or to any of the possessions of the United States, shall travel and transport his personal effects on ships registered under the laws of the United States when such ships are available, unless

the necessity of his mission requires the use of a ship under a foreign flag: *Provided*, That the Comptroller General of the United States shall not credit any allowance for travel or shipping expenses incurred on a foreign ship in the absence of satisfactory proof of the necessity therefor. (May 22, 1928, sec. 601, 45 Stat. 697; 46 U. S. C., sec. 891r.)

### TELEGRAPHHS

**2020. Use of public domain by telegraph companies.**—Any telegraph company now organized, or which may hereafter be organized, under the laws of any State, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by law, and over, under, or across the navigable streams or waters of the United States; but such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads. (R. S., sec. 5263; 47 U. S. C., sec. 1.)

**2021. Use by telegraph companies of stone, timber, etc., from public lands.**—Any telegraph company organized under the laws of any State shall have the right to take and use from the public lands through which its lines of telegraph may pass, the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of its lines of telegraph, and may pre-empt and use such portion of the unoccupied public lands subject to pre-emption through which their lines of telegraph may be located as may be necessary for their stations, not exceeding forty acres for each station; but such stations shall not be within fifteen miles of each other. (R. S., sec. 5264; 47 U. S. C., sec. 2.)

**2022. Government priority in transmission of messages.**—Telegrams between the several Departments of the Government and their officers and agents, in their transmission over the lines of any telegraph company to which has been given the right-of-way, timber, or station lands from the public domain shall have priority over all other business, at such rates as the Federal Communications Commission shall annually fix. And no part of any appropriation for the several Departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this section. (R. S., sec. 5266; June 19, 1934, sec. 601, 48 Stat. 1101; 47 U. S. C., sec. 3.)

**2023. Government entitled to purchase lines.**—The United States may, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all companies acting under the provisions of the act of July twenty-fourth, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes" [47 U. S. C., secs. 1-6], or under this Title, at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Federal Communications Commission, two by the company interested, and one by the four so previously selected. (R. S., sec. 5267, June 19, 1934, sec. 601, 48 Stat. 1101, 47 U. S. C., sec. 4.)

**2024. Acceptance of obligation to be filed.**—Before any telegraph company shall exercise any of the powers or privileges conferred by law such company shall file their written acceptance with the Federal Communications Commission of the restrictions and obligations required by law. (R. S., sec. 5268, June 19, 1934, sec. 601, 48 Stat. 1101, 47 U. S. C., sec. 5.)

**2025. Rights not transferable.**—The rights and privileges granted under the provisions of the act of July twenty-four, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes" [47 U. S. C., secs. 1-5], or under this Title, shall not be transferred by any company acting thereunder to any other corporation, association, or person. (R. S., sec. 5265; 14 Stat. 221; 47 U. S. C., sec. 6.)

**2026. Transmission of telegrams by railroads.**—Telegrams are authorized to be transmitted by railroad companies which may have telegraph lines, and which shall file their written acceptance of the restrictions and obligations imposed on telegraph companies by title sixty-five of the Revised Statutes, for the Government and for the general public, at rates to be fixed by the Government, according to the provisions of title sixty-five of the Revised Statutes [47 U. S. C., secs. 1-6, 8]. (June 23, 1879, 21 Stat. 31; 47 U. S. C., sec. 7.)

**2027. Refusal to transmit dispatches.**—Whenever any telegraph company, after having filed its written acceptance with the Federal Communications Commission of the restrictions and obligations required by the act approved July twenty-fourth, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes", or by this Title, shall, by its agents or employés, refuse or neglect to transmit any such telegraphic communications as are provided for by the aforesaid act, or by this Title, or by the provisions of section two hundred and twenty-one, Title "THE DEPARTMENT OF WAR", authorizing the Secretary of War to provide for taking meteorological observations at the military stations and other points of the interior of the continent, and for giving notice on the northern lakes and seaboard of the approach and force of storms, and such telegraph company [47 U. S. C., secs. 1-6, 8] shall be liable to a penalty of not less than one hundred dollars and not more than one thousand dollars for each such refusal or neglect to be recovered by an action or actions at law in any district court of the United States. (R. S., sec. 5269; Feb. 27, 1877, sec. 1, 19 Stat. 252; June 19, 1934, sec. 601, 48 Stat. 1101; 47 U. S. C., sec. 8.)

## TERRITORIES AND INSULAR POSSESSIONS

### ALASKA

#### ALASKA GAME LAW

**2028. Powers and duties of Secretary of Agriculture and Secretary of Commerce in Alaska.**—Hereafter the powers and duties heretofore conferred upon the Secretary of Commerce by existing law, proclamations, or Executive orders with respect to any mink, marten, beaver, land otter, muskrat, fox, wolf, wolverine, weasel, or other land fur-

bearing animals in Alaska, and with respect to the leasing of certain islands in Alaska for the propagation of fur-bearing animals, are hereby conferred upon, and shall be exercised by, the Secretary of Agriculture, and the powers and duties conferred upon the Secretary of Agriculture by existing law, with respect to walruses and sea lions, are hereby conferred upon, and shall be exercised by, the Secretary of Commerce: *Provided*, That nothing in this Act shall affect the powers and duties conferred upon the Secretary of Commerce by existing law, proclamations, or Executive orders with respect to fur seals and sea otters, and jurisdiction over the Pribiloff Islands and the fur-bearing animals thereon; and hereafter the wardens and other officers heretofore or hereafter appointed by the Secretary of Agriculture for the protection of bird reservations in Alaska under the control of the Department of Agriculture, or for the protection of fur-bearing animals in Alaska, shall have and exercise like authority and powers in the performance of their respective duties as are conferred upon game wardens by the Alaska game law of May 11, 1908 (Thirty-fifth Statutes at Large, page 102), and by existing law upon officers and agents of the Department of Commerce employed in the salmon fisheries and fur-seal and sea-otter services in Alaska. (May 31, 1920, 41 Stat. 716; 48 U. S. C., sec. 191.)

**2029. Short title.**—That this Act shall be known by the short title of the "Alaska Game Law." (Jan. 13, 1925, sec. 1, 43 Stat. 739; 48 U. S. C., sec. 205.)

**2030. Definitions.**—That for the purposes of this Act the following shall be construed, respectively, to mean:

Commission: The Alaska Game Commission:

Territory: Territory of Alaska.

Person: The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

Take: Taking, pursuing, disturbing, hunting, capturing, trapping, or killing game animals, land fur-bearing animals, game or nongame birds, attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals or birds, or setting or using a net, trap, or other device for taking them, or collecting the nests or eggs of such birds, unless the context otherwise requires. Whenever the taking of animals, birds, or nests or eggs of birds is permitted, reference is had to taking by lawful means and in lawful manner.

Open season: The time during which birds or animals may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

Close season: The time during which birds and animals may not be taken.

Transport: Shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export, unless the context otherwise requires.

Game animals: Deer, moose, caribou, elk, mountain sheep, mountain goat, and the large brown and grizzly bears, and such other animals as have been or may hereafter be introduced, which shall be known as big game.

Land fur-bearing animals: Beaver, muskrat, marmot, ground squirrel (spermophiles), fisher, fox, lynx, marten or sable, mink,

weasel or ermine, land otter, wolverine, polar bear, and black bear, including its brown and blue (or glacier bear) color variations.

**Game birds:** Migratory waterfowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, sandpipers, snipe, little brown cranes, and curlew, and the several species of grouse and ptarmigan, and such other birds as have been or may hereafter be introduced, which shall be known as small game.

**Nongame birds:** All wild birds except game birds. (Jan. 13, 1925, sec. 2, 43 Stat. 739; Feb. 14, 1931, sec. 1, 46 Stat. 1111; 48 U. S. C., sec. 206.)

**2031. Application and construction.**—That for the purposes of this Act a citizen of the United States who has been domiciled in the Territory for the purpose of making his permanent home therein, for not less than one year immediately preceding his claim for resident privileges, or a foreign-born person not a citizen of the United States who has declared his intention to become a citizen of the United States, and has been domiciled in the Territory for a like period and purpose, shall be considered a resident; but if such a foreign-born person shall not have been admitted to citizenship within seven years from the date he declared his first intention to become a citizen, he shall thereafter be deemed to be an alien until admitted to citizenship. A foreign-born person not a citizen of the United States who has not declared his intention to become a citizen of the United States, or who has not resided in the Territory for at least one year after having declared such intention, shall be considered an alien.

That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or parts thereof directly involved in the controversy in which such judgment shall have been rendered. (Jan. 13, 1925, sec. 3, 43 Stat. 740; Feb. 14, 1931, 46 Stat. 1111; 48 U. S. C., secs. 207, 204.)

**2032. Alaska Game Commission created.**—That a commission to be known as the "Alaska Game Commission" is hereby created. The commission shall consist of five members, four of whom shall be appointed by the Secretary of Agriculture within sixty days after the passage of this Act, one member from each of the four judicial divisions of the Territory, each of whom shall be a resident citizen of the district from which he is appointed, and shall before his appointment have been for five years a resident of Alaska and shall not be a Federal employee, and all of whom shall serve until June 30 next following and thereafter one to serve one year, one to serve two years, one to serve three years, and one to serve four years, as the members of the commission may determine by lot, and thereafter their successors to be appointed in like manner to serve for four years unless sooner removed. The fifth member shall be the chief representative of the Bureau of Biological Survey resident of Alaska, who shall be the executive officer and fiscal agent of the commission and under the direction of the commission shall direct the administration of the provisions of this Act and disburse such sums as may be allotted therefor. The Secretary of Agriculture may remove a

commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him and opportunity to be publicly heard in person or by counsel in his own defense; pending the investigation of the charges the Secretary may suspend such commissioner. The Secretary of Agriculture shall fill vacancies on the commission by appointment for the unexpired term, and a vacancy shall be filled by appointment from the same judicial division in which it occurs. The office of any commissioner shall be vacant upon his removing his residence from the judicial division from which he was appointed.

That the members of the commission, other than the executive officer, shall receive no compensation for their services as members thereof, except a per diem of \$10 for each member for each day going to and from and in actual attendance at meetings of the commission, but the total salary or per diem compensation of the member from the second judicial division shall not exceed the sum of \$1,500, and that of any of the other members, except the executive officer, the sum of \$900 in any one fiscal year, and each such member in addition shall have reimbursed to him in any one fiscal year for actual and necessary traveling and subsistence expenses incurred or made in the discharge of his official duties a sum not to exceed the maximum amount allowed him for salary, which shall be paid on proper vouchers from the appropriation for the enforcement of the Alaska game law. The executive officer shall be paid his salary and shall have reimbursed to him all actual and necessary traveling and other expenses and disbursements in accordance with the fiscal regulations of the Department of Agriculture, payable from the appropriation for the enforcement of the Alaska game law and from such other appropriations for the work of the Bureau of Biological Survey in the Territory as the Secretary of Agriculture may designate.

That the commission shall maintain and have its principal office in the capital of the Territory. The members of the commission shall meet at such principal office immediately following their appointment at a time designated by the Secretary of Agriculture, and shall organize by electing one member chairman and one member secretary, and shall determine by lot the terms of the members, other than the term of the executive officer.

That a majority of the members shall constitute a quorum for the transaction of business. All investigations, inquiries, hearings, and decisions of a commissioner shall be deemed to be the investigations, inquiries, hearings, and decisions of the commission, when approved by it and entered by it in its minutes, and every order made by a commissioner, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the order of the commission. The commission shall have an official seal. (Jan. 13, 1925, sec. 4, 43 Stat. 740; 48 U. S. C., secs. 208-211.)

**2033. Duties and powers of the commission, wardens, and officers.—** That the commission shall have authority to employ and remove game wardens, deputies, clerks, and such other assistants as may be necessary, to fix their periods of service and compensation, to rent quarters, and to incur other expenses, including printing, necessary for the enforcement of this Act and for which appropriation has been made; but, subject to review by the commission, the

executive officer may suspend or remove any game warden or other employee for cause, including insubordination.

That each member of the commission, any warden, any person appointed by the Secretary of Agriculture or by the commission to enforce this Act, any Forest Service employee, marshal, deputy marshal, collector or deputy collector of customs, officer of a Coast Guard vessel, special officer of the Department of Justice, or licensed guide shall have power, in or out of the Territory, and it shall be his duty, to arrest without warrant any person committing a violation of this Act in his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; he shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and he shall have authority, with a search warrant, to search any place at any time. Any officer or employee empowered to enforce this Act shall have authority without warrant to search any camp, camp outfit, pack or pack animals, automobile, wagon, or other vehicle, sled, or any boat, vessel, or other craft, in the Territorial waters of the United States, or any boat, vessel, or other craft of the United States on the high seas when such officer or employee has reasonable cause to believe that such camp, camp outfit, pack or pack animals, automobile, wagon, or other vehicle, sled, boat, vessel, or other craft has therein or thereon any of the animals or birds, or parts thereof, protected by this Act, taken, possessed, sold, intended for sale, or transported contrary to law. The several judges of the courts established under the laws of the United States and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All guns, traps, nets, boats, dogs, sleds, and other paraphernalia used in or in aid of violation of this Act may be seized, and all animals, birds, or parts thereof, or nests or eggs of birds taken, transported or possessed contrary to the provisions of this Act shall be seized within or outside the Territory by any officer or person authorized to enforce this Act, and upon conviction of the offender or upon judgment of a court of the United States that the same were being used or were taken, transported, or possessed in violation of this Act, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction, and if sold the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission. Any property, animals, birds, or parts thereof, or nests or eggs of birds seized by a licensed guide shall be safely held and promptly delivered by him to the commission, a game warden, or to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury and the Postmaster General, upon request of the Secretary of Agriculture, to aid in carrying out the provisions of this Act. (Jan. 13, 1925, sec. 5, 43 Stat. 741; Feb. 14, 1931, sec. 3, 46 Stat. 1111; 48 U. S. C., sec. 192.)

**2034. Bond of commissioners.**—That before entering upon the duties of his office, each member of the commission, other than the executive officer, shall execute and file with the Secretary of Agriculture a bond to the people of the United States in the sum of \$1,000, with sufficient sureties, and the executive officer shall so file such a bond in

the sum of \$20,000, and each game warden or other person authorized by the commission to sell licenses shall so file such a bond in the sum of \$500, conditioned for the faithful performance of their respective duties, and for the proper accounting and paying over, pursuant to law, of all moneys or property received by them, respectively. Each member of the commission and each of such game wardens or other persons shall have reimbursed to him on proper voucher the premium paid by him on his bond. (Jan. 13, 1925, sec. 6, 43 Stat. 742; 48 U. S. C., sec. 193.)

**2035. Estimates and reports.**—That the commission, on or before the 15th day of July of each year, shall file with the Secretary of Agriculture a detailed estimate of the appropriation necessary for the service during the following fiscal year, and on or before the 1st day of October of each year shall submit a detailed report to him covering the administration of the law, including all expenditures and other operations for the preceding fiscal year, and such estimates shall be subject to revision by him. (Jan. 13, 1925, sec. 7, 43 Stat. 742; 48 U. S. C., sec. 194.)

**2036. Taking of animals and birds restricted.**—That, unless and except as permitted by this Act or by regulations made pursuant to this Act, it shall be unlawful for any person to take, possess, transport, sell, offer to sell, purchase, or offer to purchase any game animal, land fur-bearing animal, wild bird, or any parts thereof, or any nest or egg of any such bird, or, except under regulations of the Secretary of Agriculture, to molest, damage, or destroy beaver or muskrat houses: *Provided*, That nothing in this Act shall be construed to prevent the collection or exportation of animals, birds, parts thereof, or nests or eggs of birds for scientific purposes, or of live animals, birds, or eggs of birds, for propagation or exhibition purposes, under a permit issued by the Secretary of Agriculture and under such regulations as he may prescribe. Land fur-bearing or game animals which escape from captivity, unless recaptured by their owners in accordance with regulations prescribed by the Secretary of Agriculture, and all fur and game animals hereafter introduced into Alaska are declared to be wild fur-bearing or game animals and shall be subject to the provisions of this Act. (Jan. 13, 1925, sec. 8, 43 Stat. 743; Feb. 4, 1931, sec. 4, 46 Stat. 1112; 48 U. S. C., secs. 195, 196.)

**2037. Poison, use prohibited.**—That no person shall at any time use any poison to kill any animal or bird protected by this Act or put out poison or a poisoned bait where any such animal or bird may come in contact with it; but a game warden or predatory animal hunter employed by or under the direction of the commission may use poison to kill wolves, coyotes, or wolverines, under such regulations as the commission may adopt; and no person shall sell or give any strichnine or other poison designated by the commission to any hunter or trapper, including native Indians or Eskimos who hunt or trap. No hunter or trapper, including native Indians or Eskimos who hunt and trap, shall have any strichnine or other poison designated by the commission in his possession, and any such poison found in the possession of any such person shall be seized and disposed of in such manner as the commission may determine. Any person selling or otherwise disposing of any strichnine or any other poison designated by the commission shall keep a record in a special book

showing the name and address of each person purchasing or otherwise procuring it and the kind and amount thereof, which record shall at all times be open to inspection by any game warden or other officer authorized to enforce this Act, and he shall transmit such information monthly to the commission. (Jan. 13, 1925, sec. 9, 43 Stat. 743; 48 U. S. C., sec. 197.)

**2038. Regulations.**—That the Secretary of Agriculture, upon consultation with or recommendation from the commission, is hereby authorized and directed from time to time to determine when, to what extent, if at all, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests or eggs of birds may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective ninety days after the date of publication thereof by the Secretary of Agriculture; but no such regulation shall permit any person to take any female yearling or calf moose, any doe yearling or fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, or educational purposes; or to use any dog in taking game animals; or to sell the heads, hides, or horns of any game animals, except the hides of moose, caribou, deer, and mountain goat which the regulations may permit to be sold under such restrictions as the Secretary may deem to be appropriate; or to use any shotgun larger than a number 10 gauge; or to use any airplane, steam or power launch, or any boat other than one propelled by paddle, oars, or pole in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof, to the owner, master, or employee of any coastal or river steamer or commercial power or sail boat, or to procure for serving or to serve any such game animals, game birds, or parts thereof, in any cannery or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals or birds during the closed season when he is in absolute need of food and other food is not available, but the shipment or sale of any animals or birds or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory, but the Secretary by regulation may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals or birds for food during the closed season in any section of the Territory within which he shall determine that the supply of such species of animals or birds is in danger of extermination; nor shall any such regulation contravene any of the provisions of the migratory bird treaty Act [16 U. S. C., secs. 703-711] and regulations: *Provided*, That no person shall knowingly disturb, injure, or destroy any notice, signboard, seal, boat, vessel, sled, dog, or dog team, paraphernalia, or equipment, building, or other improvement or property of the United States used by the commission in the administration and/or enforcement of the provisions of this Act, or as a notice to the public concerning the provisions of this Act or any regulation adopted pursuant thereto, or as a marker of the boundary of any area closed to hunting, trapping, or other special use under the provisions of this Act, or to destroy, remove, tamper with, or imitate any metal seal or seals issued by the commission and attached to any skin, portion, or specimen of a wild

animal or bird or other article for purposes of identification under its authority, in accordance with the provisions of this Act or any regulation thereunder. (Jan. 13, 1925, sec. 10, 43 Stat. 743; Feb. 14, 1931, sec. 5, 46 Stat. 1112; 48 U. S. C., sec. 198.)

**2039. Licenses:** Subdivision A. Nonresident hunting license.—That, except as otherwise permitted by this Act, or by regulation made pursuant thereto, no nonresident shall take or possess any of the animals or birds protected by this Act without first having procured a nonresident hunting and trapping license as herein provided.

**Subdivision B. Resident export license and permit.**—That no resident of the Territory shall transport therefrom any game animal, bird, or part thereof, unless he has (a) a resident export and return license, which will entitle him to transport out of the Territory for mounting and return to him in the Territory within one year such game animal, bird, or part thereof, as shall have been legally acquired by him and which shall be specifically identified in license, or (b) a resident export permit, which may be issued by the commission in its discretion, and which will entitle him to export from the Territory for other than return, but not for sale, such game animal, bird, or part thereof as shall have been legally acquired by him and which shall be specifically identified in the permit.

**Subdivision C. Resident hunting and trapping licenses.**—That the commission, whenever it shall deem expedient, may by regulation require residents of the Territory to procure resident hunting and trapping licenses authorizing them to take animals and birds protected by this Act, and when such licenses shall have been required of residents the fee therefor shall be as follows: For each hunting license the sum of \$1 and for each trapping license the sum of \$2, but no such license shall be required of native-born Indians, Eskimos, or half-breeds who have not severed their tribal relations by adopting a civilized mode of living or by exercising the right of franchise or of residents under the age of sixteen: *Provided*, That a licensed trapper shall be entitled to the privilege of hunting without a hunting license. After the expiration of ninety days from the publication of such regulation no resident shall take any animal or bird protected by this Act without having first procured resident hunting and trapping licenses as herein provided.

**Subdivision D. Registered guide license.**—That only a resident citizen or a resident native Indian or Eskimo of the Territory may act as guide for a nonresident in any section of the Territory where the commission by regulation requires nonresidents to employ guides, and he shall first register with the commission on a form which it shall provide for this purpose and procure a registered guide license as herein provided, and the commission shall determine by regulation the qualifications required of such guides. No person other than a registered guide shall act as guide for a nonresident in any section of the Territory where guides are required by regulation of the commission to be registered.

**Subdivision E. Alien special license.**—That no alien shall take any of the animals or birds protected by this Act, or own or be possessed of a shotgun, rifle, or other firearm, except under an alien special license issued as herein provided.

**Subdivision F. Records, reports.**—Each person to whom a license is issued to take animals or birds, or to deal in furs, shall keep records

which shall show the kind and number of each species of animals or birds so taken, purchased, or otherwise procured under such license, the persons from whom they were purchased and to whom they were sold, date of purchase or sale, name of the trapper, and the number of the trapper's license, and shall, on or before thirty days after the expiration of his license, make a written report to the commission on a form prepared and furnished by it setting forth in full the data herein required to be recorded. Such records shall at all reasonable times be subject to inspection and examination by a member of the commission and any of its employees and by any marshal or deputy marshal. Any licensee who shall fail correctly to keep such records or who shall fail to submit such report or who shall in any such report knowingly falsely state any such data or who shall refuse to exhibit his records for inspection and examination as herein required shall be punished as prescribed in section 15 of this Act [48 U. S. C., sec. 202].

**Subdivision G. Fur-farm license.**—That no person shall engage in the business of farming land fur-bearing animals or possess them for purposes of propagation without first having procured a fur-farm license as herein provided.

**Subdivision H. Fur dealers, licenses, fees.**—No person shall buy or sell the skins of fur-bearing animals, or engage in, carry on, or be concerned in the business of buying, selling, or trading in the skins of fur-bearing animals protected by this Act without first having procured a license as herein provided, but no license shall be required of a native-born resident Indian, Eskimo, or half-breed who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise, or of cooperative stores operated exclusively by and for native Indians, Eskimos, or half-breeds, or of stores operated by missions exclusively for native Indians, Eskimos, or half-breeds: *Provided*, That the stores exempted from procuring licenses as herein provided shall, on or before thirty days after the expiration of each license year as specified in this Act, make a written statement to the commission on a form prepared and furnished by it setting forth such material facts concerning the management and operation of such store as the commission may by such form require, and in addition thereto shall keep the records, make the reports, incur the penalties, and in all other respects be subject to the requirements of subdivision F of Section 11 to the same extent as licensed fur dealers, or of a hunter or trapper selling the skins of such animals which he has lawfully taken, or of a person not engaged or employed in the business of trading in such skins to purchase them for his own use but not for sale.

The applicant for such a license shall accompany his application by the required fee, as follows:

(a) If the applicant is a resident of the Territory, \$10; or is an association or copartnership composed exclusively of residents of the Territory, organized under the laws of the Territory, for each member, \$10.

(b) If the applicant is a nonresident of the Territory who is a citizen of the United States, or is a corporation composed exclusively of citizens of the United States, organized under the laws of the Territory or of a State of the United States, or is an association or copartnership composed exclusively of citizens of the United States,

organized under the laws of the Territory or of a State of the United States, any member of which is a nonresident of the Territory, \$100.

(c) If the applicant is an alien, or is a corporation, association, or copartnership, not organized under the laws of the Territory or of a State of the United States, or is a corporation, association, or copartnership, any stockholder or member of which is an alien, \$500.

(d) If the applicant is a resident of the Territory and an agent in charge of a station of a fur dealer of either of the classes (a), (b), or (c), or a resident itinerant agent of such dealer, \$10.

(e) If the applicant is a nonresident of the Territory but a citizen of the United States and an agent in charge of a station of a fur dealer of either of the classes (a), (b), or (c), or a nonresident citizen itinerant agent of such dealer, \$100.

(f) If the applicant is an alien and an agent in charge of a station of a fur dealer of either of the classes (a), (b), or (c), or an alien itinerant agent of such dealer, \$500: *Provided*, That no license shall be issued to any agent whose principal has not procured a license in accordance with (a), (b), or (c).

**Subdivision I. Fees and applications for, and issuance of licenses and permits.**—Licenses and resident export permits shall be issued by the commission through its members, game wardens, and other persons authorized by it in writing to sell licenses. Resident export licenses and permits may also be issued by customs officers. Application blanks for licenses and permits shall be furnished by the commission and shall be in such form as the commission may by regulation determine. Each application shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths in the Territory. Members of the commission and its game wardens and other persons authorized in writing by it to issue licenses, and post-masters and customs officers, are hereby authorized to administer such oaths. The applicant for a license or resident export permit shall accompany his application with a license or permit fee as follows: Nonresident general hunting and trapping license, \$50; nonresident small-game hunting license, \$10; resident export and return license, \$1 for each trophy; resident export permit, if removing residence, \$1 for each animal, \$1 for each bird, if otherwise, \$5 for each animal, \$1 for each bird; registered guide license, \$10; alien special license, \$100; and fur-farm license, \$2.

**Subdivision J. False statement in application for and alteration and expiration of licenses.**—That any false statement in an application for license as to citizenship, place of residence, or other material facts shall render null and void the license issued upon it. Any person who shall make any false statement in an application for a license shall be deemed guilty of perjury, and upon conviction thereof shall be subject to the penalties provided for the commission of perjury. No person shall alter, change, loan, or transfer to another any license issued to him in pursuance of this Act, nor shall any person other than the one to whom it is issued use such license; and each of such licenses shall expire the 30th day of June next succeeding its issuance.

**Subdivision K. Proceeds of licenses, disposition of.**—That each officer or person selling licenses shall, as soon as practicable after the first day of each month, transmit the proceeds thereof with a

report of such sales to the executive officer, who shall keep accurate records thereof and of receipts from all other sources and promptly transmit 50 per centum thereof to the Secretary of Agriculture, to be covered into the Treasury of the United States as miscellaneous receipts, and 50 per centum thereof to the treasurer of the Territory to be covered into the territorial school fund. (Jan. 13, 1925, sec. 11, 43 Stat. 744; Feb. 14, 1931, secs. 6-11, 46 Stat. 1111; 48 U. S. C., sec. 199.)

**2040. Collectors of customs, duties of.**—That it shall be the duty of collectors of customs at ports of entry in the United States to keep accurate accounts of all consignments of game birds, game animals, skins of land fur-bearing animals, and parts thereof received from or returned to the Territory, except birds, nests, and eggs shipped under a scientific permit issued by the Secretary of Agriculture; and it shall be the duty of all collectors of customs to enforce the provisions of regulations adopted pursuant to this Act with respect to shipments of animals or birds or nests or eggs of birds. (Jan. 13, 1925, sec. 12, 43 Stat. 746; 48 U. S. C., sec. 200.)

**2041. United States attorneys, duties of.**—That it shall be the duty of the United States attorney for the division in which any wild animal or wild bird, or part thereof, or nest or egg of such bird, or any gun, trap, net, boat, dog, sled, or other paraphernalia has been seized, or has been used, taken, transported, bought, sold, or possessed contrary to the provisions of this Act, to institute an action in rem against it for the forfeiture thereof to the United States in any case in which the disposition of such article is not involved in a criminal prosecution; the possession of any wild animal, bird, or part thereof, or nest or egg of such bird, during the time when the taking of it is prohibited, shall, in any such action, constitute *prima facie* evidence that it was taken, possessed, bought, sold, or transported in violation of the provisions of this Act, and the burden of proof shall be upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully; and in case of judgment being rendered in favor of the United States, it shall be disposed of as directed by the court having jurisdiction, and if sold, the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission: *Provided*, That no action in rem shall be required with respect to any wild animal or bird, or part thereof, or any gun, net, trap, or other device possessed or used in or in aid of a violation of this Act and legally seized when claimant thereof releases such article or articles to the United States by a voluntary release in writing witnessed by two disinterested parties, in which case such articles shall be disposed of by the commission, and if sold the proceeds shall be disposed of as provided in this section. (Jan. 13, 1925, sec. 13, 43 Stat. 746; Feb. 14, 1931, sec. 12, 46 Stat. 1114; 48 U. S. C., sec. 201.)

**2042. Penalties.**—That unless a different or other penalty or punishment is herein specifically prescribed, a person who violates any provision of this Act, or who fails to perform any duty imposed by this Act or any order or regulation adopted pursuant to this Act, is guilty of misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$500 or be imprisoned not more than six months, or both; and in addition thereto any person convicted of

a violation of any provision of this Act who is the holder of any form of license issued thereunder shall thereupon forfeit said license and shall surrender it upon demand of any person authorized by the commission to receive it, and upon a second conviction he shall not be entitled to, nor shall he be granted, a license of such form for a period of one year from date of such forfeiture, and upon a third or successive conviction for a period of five years from the date of such forfeiture; and any cooperative store operated exclusively by and for native Indians, Eskimos, or half-breeds, or any store operated by missions exclusively for native Indians, Eskimos, or half-breeds, without a license as provided in this Act, upon a second or third conviction for violation of this Act, shall not be entitled to engage in the business of dealing in furs for such time as the court before whom such conviction is had may decide: *Provided*, That such prohibition shall not be imposed for the first conviction, nor for a period in excess of one year from date of the second conviction, nor for a period in excess of five years from date of the third or any subsequent conviction; that all moneys from fines shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission.

That any licensed guide who shall fail or refuse to report promptly to the commission any violation of this Act of which he may have knowledge shall be guilty of a violation of this Act, and in addition thereto shall have his license revoked and shall be ineligible to act as a licensed guide for a period of five years from the time of his conviction therefor, or of the establishment to the satisfaction of the commission of definite proof of such offense. (Jan. 13, 1925, sec. 15, 43 Stat. 747; Feb. 14, 1931, sec. 13, 46 Stat. 1114; 48 U. S. C., sec. 202.)

**2043. Administration of oaths for purposes of prosecution—coordination of fiscal business.**—That such officers, agents, or employees of the Secretary of Agriculture or the Alaska Game Commission as may be designated in writing by said Secretary or commission for the purpose are hereby authorized and empowered to administer to or take from any person, an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of this Act; and, in order to coordinate the fiscal business of the United States Department of Agriculture and the Alaska Game Commission in Alaska, the ex officio commissioner of said department in Alaska designated by the Secretary of Agriculture pursuant to the authority contained in the Act of February 10, 1927 (44 Stat., pt. 2, p. 1068) [5 U. S. C., sec. 120], with the approval of said commission, may assign a bonded disbursing officer of said department stationed in Alaska to perform and discharge, without additional compensation, so much of the duties imposed and conferred upon the executive officer of said commission by this Act as consist of the disbursement and receipt of public funds; and during the continuation of such assignment of the bond of such executive officer required by section 6 of this Act [48 U. S. C., sec. 193] shall be reduced to \$1,000, and the bond of the disbursing officer so assigned shall be increased by the amount of \$20,000, the premium for such additional amount to be paid as provided for in said section 6 of this Act. (Jan. 13, 1925, sec. 16, 43 Stat. 747; Feb. 14, 1931, sec. 14, 46 Stat. 1114; 48 U. S. C., sec. 202a.)

**2044.** That nothing in this Act contained shall be construed as repealing or modifying in any manner section 6 of the Act of Congress approved February 26, 1917 (Thirty-ninth Statutes at Large, page 938), entitled "An Act to establish the Mount McKinley National Park in the Territory of Alaska." (Jan. 13, 1925, sec. 17, 43 Stat. 747; 48 U. S. C., sec. 203.)

**2045.** Date effective.—That the provisions of this Act relating to the creation and organization of the commission and with respect to making or adopting regulations shall take effect on its passage and approval; all other provisions of this Act shall take effect ninety days from the date of the publication of regulations of the Secretary of Agriculture. (Jan. 13, 1925, sec. 18, 43 Stat. 747.)

#### TERRITORIAL PROVISIONS OF A GENERAL NATURE

**2046.** Bigamists, etc., ineligible for office.—That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States. (Mar. 22, 1882, sec. 8, 22 Stat. 31; 48 U. S. C., sec. 1461.)

#### WAR

##### COUNCIL OF NATIONAL DEFENSE

**2047.** Secretary of Agriculture a member of the Council of National Defense.—That a Council of National Defense is hereby established, for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

That the Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways;

the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to the amounts, location, methods and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

That the Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed.

That the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for experimental work and investigations undertaken by the council, by the advisory commission, or subordinate bodies, for the employment of a director, expert and clerical expenses and supplies, and for the necessary expenses of members of the advisory commission or subordinate bodies going to and attending meetings of the commission or subordinate bodies. Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however,* That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized. (Aug. 29, 1916, sec. 2, 39 Stat. 649; 50 U. S. C., secs. 1-5.)

#### ARSENALS, ARMORIES, ARMS, AND WAR MATERIALS GENERALLY

**2048. Arms and ammunition issued to protect public property.**—That upon the request of the head of any department, the Secretary of War be, and he hereby is, authorized and directed to issue arms and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department designated by the head of such department, to be accounted for to the Secretary of War, and to be returned when the necessity for their use has expired. Arms and ammunition here-

tofore furnished to any department by the War Department for which the War Department has not been reimbursed, may be received for under the provisions of this act. (Mar. 3, 1879, 20 Stat. 412; 50 U. S. C., sec. 61.)

**2049. Payment for transfer of ordnance or stores by War Department to bureaus or departments.**—That hereafter when authorized transfers or sales of ordnance or ordnance stores are made to another bureau of the War Department, or to another executive department of the Government, payment therefor shall be made by the proper disbursing officer of the bureau, office, or department concerned. When the transaction is between two bureaus of the War Department, the price to be charged shall be the cost price of the stores, including the cost of inspection. When the transaction is between the Ordnance Department and another executive department of the Government the price to be charged shall include the cost price of the stores and the costs of inspection and transportation. (Aug. 24, 1912, 37 Stat. 589; 50 U. S. C., sec. 75.)

#### AIRCRAFT

**2050. Advisory Committee for Aeronautics.**—An Advisory Committee for Aeronautics is hereby established, and the President is authorized to appoint not to exceed twelve members, to consist of two members from the War Department, from the office in charge of military aeronautics; two members from the Navy Department, from the office in charge of naval aeronautics; a representative each of the Smithsonian Institution, of the United States Weather Bureau, and of the United States Bureau of Standards; together with not more than five additional persons who shall be acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences: *Provided*, That the members of the Advisory Committee for Aeronautics, as such, shall serve without compensation: *Provided further*, That it shall be the duty of the Advisory Committee for Aeronautics to supervise and direct the scientific study of the problems of flight, with a view to their practical solution, and to determine the problems which should be experimentally attacked, and to discuss their solution and their application to practical questions. In the event of a laboratory or laboratories, either in whole or in part, being placed under the direction of the committee, the committee may direct and conduct research and experiment in aeronautics in such laboratory or laboratories: *And provided further*, That rules and regulations for the conduct of the work of the committee shall be formulated by the committee and approved by the President.

That an annual report to the Congress shall be submitted through the President, including an itemized statement of expenditures. (Mar. 3, 1915, 38 Stat. 930; 50 U. S. C., secs. 151, 153.)

**2051. Same; increase of membership.**—That the membership of the National Advisory Committee for Aeronautics is hereby increased from twelve members to fifteen members: *Provided*, That the three additional members to be appointed by the President shall be acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences, and shall serve as such without compensation. (Mar. 2, 1929, 45 Stat. 1451; 50 U. S. C., sec. 151a.)

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